SENATE

THURSDAY, *January 24, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Spirit of Infinite Love, have mercy upon this Nation and look with favor upon the people Thou hast planted, for without Thee we stand uncrowned, truth is perished in the streets, and justice fallen at our gates.

If we have failed to acknowledge Thy guidance, forgive our foolish pride and suffer us not to trust in our own might, lest following selfish aims we invite the shame of disaster. Therefore come and abide in our midst, bringing peace to the hearts of men; come like a voice of stillness that calls us in the watches of the night; come like whispering winds that sway with slumbrous rhythm the branches of the trees; come like summer seas that lave with their silent tides earth's lonely shores. Come, breathe on us, Breath of God, and make us wholly Thine. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, January 17, 1929, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Mayfield	Smith
Bayard	Frazier	Metcalf	Smoot
Bingham	George	Moses	Steck
Black	Gillett	Neely	Steiwer
Blaine	Glass	Norbeck	Stephens
Blease	Glenn	Norris	Swanson
Borah	Gould	Nye	Thomas, Idaho
Bratton	Greene	Oddie	Thomas, Okla.
Brookhart	Hale	Overman	Trammell
Bruce	Harris	Phipps	Tydings
Burton	Harrison	Pine	Tyson
Capper	Hastings	Pittman	Vandenberg
Caraway	Hawes	Ransdell	Wagner
Copeland	Hayden	Reed, Mo.	Walsh, Mass.
Couzens	Heflin	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Robinson, Ark.	Warren
Dale	Jones	Sackett	Waterman
Deneen	Kendrick	Schall	Watson
Dill	Keyes	Sheppard	Wheeler
Edge	McKellar	Shipstead	
Edwards	McMaster	Shortridge	
Fess	McNary	Simmons	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness. This announcement may stand for the day.

Mr. NORRIS. I wish to announce the absence of the junior Senator from Nebraska [Mr. HOWELL] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bill and joint resolutions, which has previously been signed by the Speaker of the House of Representatives:

S. 1156. An act granting a pension to Lois I. Marshall;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of the final ascertainment of the electors for President and Vice President from the State of Nebraska at the election held November 6, 1928, which was ordered to lie on the table.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate, pursuant to law, the annual report of the Chesapeake & Potomac Telephone Co. for the full year 1928, which was referred to the Committee on the District of Columbia.

MONITORING RADIO STATION

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation authorizing the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes, advising that the department recommends its enactment into law, and also stating that the proposed legislation is not in conflict with the financial program of the President, which, with the accompanying paper, was referred to the Committee on Commerce.

SENATOR FROM NEVADA

Mr. ODDIE. Mr. President, I present the certificate of election of my colleague, Hon. KEY PITTMAN, as a Senator from the State of Nevada, and ask that it may be read.

The credentials were read and ordered to be placed on file, as follows:

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that at a general election held in the State of Nevada on Tuesday, the 6th day of November, 1928, KEY PITTMAN was duly elected by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929, having received the highest number of votes cast for said office at said election, as appears by the certificate of the duly constituted and qualified board of canvassers, now on file in the office of the secretary of state, at Carson City, Nev.

Witness: His Excellency our Governor, F. B. Balzar, and our seal hereto affixed at Carson City, this 19th day of December, A. D. 1928.

F. B. BALZAR,
Governor.

By the governor:

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.

(The above certificate is accompanied by a proclamation of the Governor of Nevada relative to the results of the general election held in that State on November 6, 1928.)

PETITIONS AND MEMORIALS

Mr. WALSH of Montana. Mr. President, I present a brief letter from a constituent which I ask may lie on the table and be incorporated in the RECORD.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

YOUNG WOMEN'S CHRISTIAN ASSOCIATION,
Missoula, Mont., December 27, 1928.

CITIZENS' CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.:

I am certainly opposed to the cruiser bill. Let us build for peace, not for war.

Sincerely,

Mrs. KATHERINE H. MOORE,
General Secretary Y. W. C. A., Missoula, Mont.

Mr. NORRIS. I present resolutions adopted by the Senate of the State of Nebraska, which I ask may be read and referred to the Committee on Finance.

There being no objection, the resolutions were read and referred to the Committee on Finance, as follows:

A resolution against unrestricted importation of duty-free sugar from the Philippine Islands

Whereas the encouragement and protection of the beet-sugar industry is of utmost important to the agricultural prosperity of the State of Nebraska; and

Whereas the unlimited and constantly increasing importation of duty-free sugar from the Philippine Islands into the United States constitutes a grave menace to the continuation of the beet-sugar industry in this country and threatens the agricultural prosperity of the State of Nebraska: Now, therefore, be it

Resolved by the Senate of the State of Nebraska, That we do hereby record the sentiment of this body in favor of the passage of such laws by the Congress of the United States as will restrict and limit the amount of duty-free sugar imported yearly from the Philippine Islands into the United States to the end that the domestic beet-sugar industry may be adequately safeguarded against this hazard; and be it further

Resolved, That a copy of this resolution be forwarded to the Senators and Representatives in Congress from the State of Nebraska.

Mr. CAPPER presented a memorial of sundry citizens of Lawrence, Kans., remonstrating against the passage of the bill (H. R. 11526) to provide for the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

Mr. SHIPSTEAD presented memorials and letters in the nature of memorials of sundry citizens and organizations in the State of Minnesota, remonstrating against the passage of the bill (H. R. 11526) to provide for the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. BLAINE presented a resolution adopted by the Wisconsin Legislative Board, Ladies' Auxiliary to the Brotherhood of Railroad Trainmen, Milwaukee, Wis., indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. SHEPPARD. Mr. President, I send to the desk a message from the National United Committee for Law Enforcement, Rev. Clinton N. Howard, chairman, and ask that it be read and referred to the Judiciary Committee.

There being no objection, the communication was read and referred to the Committee on the Judiciary, as follows:

NATIONAL COMMITTEE FOR LAW ENFORCEMENT,
Washington, D. C., January 21, 1929.

To the Congress of the United States:

The following resolution was adopted by 1,000 Washington citizens in mass meeting assembled at Calvary Baptist Church Sunday, January 20, under the auspices of the national united committee:

"Resolution

"*Resolved*, That we earnestly petition Congress during the present short session to enact a bone-dry law with teeth in it for the District of Columbia, with a sufficient appropriation to effectively enforce it.

"*Resolved*, That we commend the proposals made by the national united committee to secure the enforcement of the dry law in this city, and that a copy of these resolutions be presented to Congress."

* * * * * * *

NATIONAL UNITED COMMITTEE FOR LAW ENFORCEMENT,
CLINTON N. HOWARD, *Chairman.*

WITHDRAWAL OF PROHIBITION PETITION FILED IN 1917

Mr. SHEPPARD. Mr. President, I ask unanimous consent that I may be permitted to withdraw from the files of the Secretary of the Senate a memorial of 1,000 signatures for national prohibition, consisting of two volumes, presented by me to the Senate April 23, 1917, Sixty-fifth Congress, first session. This memorial was prepared and the signatures obtained by former Gov. E. N. Foss, of Massachusetts, assisted by Prof. Irving Fisher, of Yale. Ex-Governor Foss has written me that he desires to have the original volumes in order that he may place them among his own papers. Therefore I ask that I may be permitted to withdraw it.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, leave is granted. The Chair hears no objection.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4589) for the relief of Dan A. Morrison (Rept. No. 1499); and

A bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes (Rept. No. 1500).

Mr. WALSH of Montana also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands, reported it with an amendment and submitted a report (No. 1501) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 575) for the relief of Herman O. Kruschke; and

A bill (H. R. 2482) for the relief of John Jakes.

Mr. WATERMAN, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224; sec. 241, title 22, U. S. C.) (Rept. No. 1502); and

A bill (H. R. 14150) to amend section 279 of the Judicial Code (Rept. No. 1503).

Mr. COPELAND, from the Committee on Immigration, to which was referred the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, reported it with an amendment and submitted a report (No. 1504) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (S. 2213) providing against misuse of official badges for United States marshals and their deputies, reported it with amendments and submitted a report (No. 1506) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9021) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes, reported it with an amendment and submitted a report (No. 1505) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail, reported it without amendment and submitted a report (No. 1507) thereon.

EXECUTIVE REPORTS

Mr. BORAH. As in executive session, I ask unanimous consent to submit three reports for the Executive Calendar.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bill and joint resolutions:

S. 1156. An act granting a pension to Lois I. Marshall;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 5517) to authorize the appointment of certain clerks at the Army War College as warrant officers; to the Committee on Military Affairs.

By Mr. PINE:

A bill (S. 5518) to amend paragraph 1 of section 101 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. FRAZIER:

A bill (S. 5519) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests; to the Committee on Indian Affairs.

By Mr. HARRIS:

A bill (S. 5520) to deny second-class mailing privileges to newspapers under common ownership; to the Committee on Post Offices and Post Roads.

By Mr. WALSH of Massachusetts:

A bill (S. 5521) granting a pension to Lizzie E. Goodrich; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 5522) granting an increase of pension to Laura Cross; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5523) granting an increase of pension to Sallie Ireton; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 5524) granting a pension to John E. Sutton (with accompanying papers); to the Committee on Pensions.

A bill (S. 5525) authorizing the President to appoint Jack D. Thompson a captain of Infantry in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 5526) for the relief of Glenn W. Hanna; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 5527) for the relief of Frank T. Burch; and

A bill (S. 5528) for the relief of Theodor Knudson; to the Committee on Claims.

A bill (S. 5529) to add certain lands to the Crater National Forest; to the Committee on Agriculture and Forestry.

By Mr. DENEEN:

A bill (S. 5530) granting a pension to James S. McKinley;

A bill (S. 5531) granting a pension to Laura F. Gross;
A bill (S. 5532) granting a pension to Gertrude Taylor;
A bill (S. 5533) granting a pension to John A. Burke; and
A bill (S. 5534) granting an increase of pension to Alice L. Enloe; to the Committee on Pensions.

A bill (S. 5535) to provide for a survey of a route for the construction of a highway connecting certain places associated with the life of Abraham Lincoln; to the Committee on Agriculture and Forestry.

By Mr. WATSON (for Mr. ROBINSON of Indiana):
A bill (S. 5536) to correct the military record of G. W. Gilkison; to the Committee on Military Affairs.

By Mr. FLETCHER:
A bill (S. 5537) for the relief of Frederick V. Armistead; to the Committee on Military Affairs.

By Mr. BLAINE (for Mr. LA FOLLETTE):
A bill (S. 5538) for the relief of Matthias R. Munson; to the Committee on Claims.

A bill (S. 5539) granting a pension to Alice J. Phillips (with accompanying papers); and
A bill (S. 5540) granting a pension to May Smelker (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:
A bill (S. 5541) granting a pension to Elizabeth Casseday; to the Committee on Pensions.

By Mr. MOSES:
A bill (S. 5542) granting an increase of pension to Mary A. Gerald (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:
A bill (S. 5543) to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BINGHAM:
A bill (S. 5544) to increase the membership of the National Advisory Committee for Aeronautics (with an accompanying paper); to the Committee on Military Affairs.

By Mr. NORRIS:
A bill (S. 5545) granting a pension to Pearl Rounds; to the Committee on Pensions.

By Mr. PHIPPS:
A bill (S. 5546) to provide for the advancement on the retired list of the Navy of Frederick L. Caudle (with an accompanying paper); to the Committee on Naval Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. HARRISON submitted an amendment proposing to increase the appropriation for market news service to $1,304,260, in lieu of $1,298,860, as reported by the Committee on Appropriations, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WHEELER submitted an amendment proposing to increase the appropriation under the Interstate Commerce Commission for authorized expenditures necessary in the execution of laws to regulate commerce from $2,834,464 to $2,887,000, and to increase the amount which may be expended for personal services in the District of Columbia, etc., from $2,209,464 to $2,250,000, intended to be proposed by him to House bill 16301, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

ADDITIONAL JUDGES, SOUTHERN DISTRICT OF NEW YORK

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York, which was referred to the Committee on the Judiciary and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; and

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion.

CHANGE OF REFERENCE—JOHN J. HELMS

Mr. BLACK. Mr. President, I ask unanimous consent to recall the bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms, from the Committee on Finance, to which it was referred, having that committee discharged from its further consideration, and to have the bill referred to the Committee on Military Affairs on the ground that it is a bill to remove a dishonorable discharge from the record of a soldier. It was improperly referred to the Committee on Finance.

Mr. SMOOT. Mr. President, I have no objection to the change of reference if that is the object of the bill. I have not seen it, so I will take it for granted that the Senator's statement is correct.

Mr. BLACK. It would affect the compensation of the beneficiary if the dishonorable discharge should be removed from his war record.

Mr. SMOOT. Let me ask the Senator from Alabama, did the soldier serve in the World War?

Mr. BLACK. He did.

Mr. SMOOT. All measures relative to compensation of soldiers of that war have always gone to the Committee on Finance.

Mr. BLACK. I will state briefly just what this case is, so that the Senate may understand it. The soldier was dishonorably discharged and shortly thereafter became insane. The Veterans' Bureau has taken care of the case so far as insanity is concerned, but it can not remove the dishonorable discharge. It can not be removed by the War Department except by a special act, and this bill is for the purpose of removing the dishonorable discharge. It will also indirectly affect the amount of insurance which the soldier receives.

Mr. SMOOT. I have no objection to the Senator's request.

The VICE PRESIDENT. Without objection, the Committee on Finance will be discharged from the further consideration of the bill and it will be referred to the Committee on Military Affairs.

Mr. NORRIS. Mr. President, has the order requested by the Senator from Alabama been made?

The VICE PRESIDENT. The order has been made.

Mr. NORRIS. It seems to me that a bill of this kind, referring to the insanity of some one, might reflect upon his posterity, and ought, therefore, to be considered in executive session. [Laughter.]

COMPACTS BETWEEN CERTAIN STATES

Mr. PHIPPS. Mr. President, I desire to make a request for unanimous consent. Last evening, just before the Senate adjourned, I reported from the Committee on Irrigation and Reclamation five bills authorizing certain States to enter into interstate compacts. Inadvertently I overlooked the fact that the committee had authorized a slight amendment by eliminating three or four words in the language of the bills which were passed. I now enter a motion to reconsider the votes by which House bill 6496, House bill 6497, House bill 6499, House bill 7024, and House bill 7025 were ordered to a third reading, read the third time, and passed, and I also ask that an order be entered requesting the House of Representatives to return to the Senate the bills to which I have referred.

The VICE PRESIDENT. Without objection, the motion to reconsider will be entered and the House will be requested to return the bills to the Senate.

DR. JOSEPH GOLDBERGER

Mr. RANSDELL. Mr. President, I ask permission to have published in the RECORD at this point a very brief bill, S. 5473, proposing a pension of $150 a month to the widow of Dr. Joseph Goldberger, and in connection with that to have printed a very fine brief editorial on Doctor Goldberger which appeared in the Washington News of the 22d instant.

The PRESIDING OFFICER (Mr. DALE in the chair). Without objection, it is so ordered.

The bill and editorial are as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Goldberger, widow of Joseph Goldberger, late surgeon, United States Public Health Service, and pay her a pension at the rate of $150 per month, in special recognition of the services of Doctor Goldberger in discovering the essential cause of pellagra and means of its cure and prevention.

[From the Washington News, January 22, 1929]

DEATH COMES TO A DOCTOR

Poking about among orphanages and asylums an idea began to dawn in the doctor's mind.

He observed that in some of the asylums the nurses' trays contained a glass of milk and a portion of fresh meat. The trays for the inmates lacked these two items. In some of the orphanages he discovered that the little codgers between 6 and 12 years of age got neither milk

nor meat. They were too old for babies' milk and too small to earn meat by doing chores. And in each case, or enough cases to be indicative, it was those on the meatless and milkless diet that had the red rash, sore mouths, and wretched nerves that go with the dread disease pellagra.

Lack of fresh protein, the doctor determined, causes pellagra. Adding milk and good meat will cure or prevent.

This conclusion he reached in 1915, but it required many years to establish his proof and convince the world. Seven times he risked his life and that of his wife to prove that pellagra is not caused by any germ in the blood or skin or internal organs. They and loyal fellow workers allowed themselves to be injected with the blood and material of dying pellagra victims. They swallowed pellets made from the same diseased substances. Observers marked them for death, but they did not die.

They proved their case. They had the cure for a disease that had defeated all scientific research for centuries.

But the doctor knew this did not mean that pellagra would be eliminated or even controlled. He knew much about life. Brought to this country by immigrant parents when he was 5 years old, he had spent his childhood and youth amid the poverty of East Side New York. He knew that fresh milk and meat were not to be had on every table. He studied and searched for a cheap food that would prevent pellagra. He found it in yeast. He proved that a small amount of this inexpensive food, fresh or dried, will prevent the disease. And he made this discovery in time to save thousands of lives of Mississippi River flood victims.

The solution of the pellagra problem was not this doctor's only contribution to science and to humanity. In his years of work in the United States Public Health Service, beginning as an inspector at Ellis Isle, he worked on other diseases—yellow fever, typhus, dengue, diphtheria, measles, and influenza. He made many discoveries—some again at risk of his life.

Dr. Joseph Goldberger died the other day in Washington. With his death the family income stopped. It is proposed that Congress grant a pension to the widow, the woman who aided his work and shared many of his dangers and hardships.

Congress scarcely can refuse.

AMERICAN SHIPS

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a very able address, in most of which I concur, entitled "American Ships," delivered at Jacksonville, Fla., by Mr. E. J. Adams.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GOVERNMENT OPERATION

It can be safely stated that the American people do not want their Government to engage in any business that can be successfully conducted by the people as individuals, copartners, or private corporations.

Government operation in any field of endeavor where private operation can function and survive is opposed by business men both large and small.

The position of President-elect Hoover against Government operation and for Government cooperation apparently meets with popular approval.

There are, however, some great essential public services that can not be rendered by private activity and must be supplied by the Government, and the cost, whatever it may be, borne by the people as a whole. Some of these are—

United States mail service (the largest business in the world).
Modern public highways.
River and harbor improvements.
The Panama Canal and Railroad.
Waterways from the Great Lakes to the sea.
The Alaska Railway.
Reclamation.
Flood control, and the
Maintenance of an Army and Navy for national security.

Most of these activities produce no revenue and others produce less revenue than sufficient to make them self-sustaining, yet they are all essential services to the public in the benefits of which all the people of our country share directly or indirectly.

The mail service incurs an annual deficit of about $20,000,000 and has the use of space, rent free, in public buildings owned by the Federal Government worth millions of dollars more.

Appropriations from the Federal Treasury authorized by Congress since 1916 for modern highways suitable for motor traffic amount to $765,000,000. Expenditures by States and counties for the same purpose during this same period have been many times this vast sum.

Total expenditures for public highways in the United States during the year 1925 exceeded $1,288,933,707. The average annual expenditure since 1925 has been about the same. From 1916 to 1925 it was less but very large.

No direct revenue is received from these highway investments, but the benefits accruing to all the people justify the cost.

Over $1,500,000,000 have been appropriated and expended in the development and improvement of our rivers and harbors to aid water transportation and the transfer of tonnage from cars and trucks to ships. No direct revenue flows from these expenditures, but who will say it is an unwise expenditure of public funds to improve shipping facilities that expedite the service and reduce the cost of transportation?

The annual appropriations for the military activities and other expenses of the War Department incident thereto are over $300,000,000, and for the United States Navy Establishment the appropriations for the ensuing fiscal year are over $350,000,000.

No revenue is received from these large expenditures, but the security of our Republic and the safety of our people in life and property at home or abroad demands adequate preparation for the defense of our Nation.

For construction, equipment, and defense of the Panama Canal over $350,000,000, and for the construction, equipment, maintenance, and operation of the Alaska Railroad over $60,000,000 have been appropriated from the Federal Treasury.

The Panama Canal is self-sustaining, and present revenues show good monetary returns on the investment and indicate a refund to the Federal Treasury of all the money expended for its construction within the next score of years. This is the one outstanding Government investment in an essential public service that shows a direct monetary profit.

Three great factors control the prosperity of the Nation and the happiness of her people—production, transportation, and markets. The United States leads all peoples in volume of production. Overland transportation in the United States, both rail and motor, is unequaled anywhere. The American markets are the best in the world because the American people have more, earn more, buy more, and enjoy higher standards of living than any other people in the world, and the foreign commerce of the United States has more than doubled since 1914.

One vital thing we need, and that is an adequate American merchant marine to deliver the goods we sell in foreign markets and bring home the things we require and do not produce in sufficient quantity to meet our requirements.

Factories, farms, and merchants, great and small, require trains and trucks of their own to deliver the goods they sell to their customers. To depend upon their competitors for delivery of their goods to common customers is little short of commercial suicide.

The same economic principles underlie the commerce of nations.

The United States has secured and now enjoys a splendid trade with many foreign countries. During the fiscal year ending June 30, 1928, our exports amounted to almost $5,000,000,000 ($4,877,000,000), and our imports slightly over $4,000,000,000 ($4,146,000,000), making a grand total of over $9,000,000,000 ($9,023,000,000). Over 60 per cent of our exports were products of the soil and about 37 per cent were annual crops. Five per cent were products of the forest and 24 per cent products of the factory which included 423,000 automobiles valued at $425,000,000, including accessories and parts exported. In 1922 we exported 52,000 automobiles valued at $80,800,000, an increase of over 500 per cent in six years in this one line of production alone.

Our imports consisted principally of rubber, silk, coffee, sugar, paper, pulp, tin fruits, nuts, and fertilizers.

In volume our foreign trade amounted to approximately 115,000,000 long tons (2,240 pounds) and required almost 6,000 ships, making an average of five round voyages each to transport it overseas. This means approximately 29,000 cargoes, equivalent to 4,500,000 carloads, or 35 freight trains extending from Chicago to New York or the Gulf of Mexico, or 45,000 trains of 100 cars each, or one solid line of loaded freight cars 35,000 miles long, equivalent to one and one-half times around the earth. Such is the volume of the present foreign commerce of the United States. To hold this trade in the markets of the world in the face of stronger and keener competition from rehabilitated Europe will require the best wisdom, skill, and devotion to our country's welfare.

Three things control trade—quality, cost, and delivery. In quality and cost the United States can meet all competition where mass production can be employed, but in delivery overseas the problem is difficult.

The people of the United States have all the factors required to hold and expand foreign markets for American goods save this one. They have the resources, power, skill, and energy to produce, the best overland delivery systems in the world, and the good will of buyers in foreign markets. The one thing lacking is the overseas link in our delivery system—an adequate American merchant marine.

Ships of all nations give first and preferred delivery service to the people of their own country, and it is considered the duty, established by custom of long standing, for the management and personnel in the operation of ships to serve, support, and secure the trade of the people in all ports for the producers of the country under whose laws the ships operate. This condition emphasizes the need for American ships in the American foreign trade.

The cost of building ships in the United States is approximately 50 per cent more than the cost in the principal foreign shipyards, and the cost of operation under the laws of the United States is about 50 per

cent more than under the laws of our principal competing nations. This forms a barrier, under normal conditions and low freight rates, that American ships can not surmount without aid and cooperation from the American Government and the loyal support of the American people.

A ship subsidy (cash payment from the Public Treasury to ship operators) has been many times proposed, discussed, and rejected.

During the World War our Government acquired 2,543 vessels of all kinds, steel, wood, and concrete, good, bad, and indifferent, some fit and some unfit for peace-time commerce, but they attracted the attention of our people as a possible foundation or starting point for the building of a great American merchant marine.

Congress, in the merchant marine act of 1920, directed the United States Shipping Board to do all within its power to foster and develop an American merchant marine, privately operated where possible, and Government operated where private operation could not survive the foreign competition.

The board was directed to sell or charter the vessels of the Government to American citizens who would agree to operate them in trade essential to our commerce.

Congress also directed the board to seek for trade routes where American ships could be used to develop, expand, and extend foreign markets for American production.

The United States Shipping Board found and established 37 trade routes and allocated 350 ships for operation over such routes.

As fast as these new trade routes show earnings sufficient to attract practical ship operators of the United States, they are sold and passed into the private ownership of citizens of the United States, but always with a guaranty on the part of the purchaser that he will continue the operation established by the Government, for the protection of shippers that have transferred their business from foreign to American ships and thereby assisted in building up the transportation service established by the Government.

Thirteen such established lines with 110 ships operating over them have been sold to citizens of the United States; and the Government still operates, through experienced contract operators, 24 lines with 250 ships.

Before the World War about 70 per cent of our foreign commerce was carried in tramp ships—ships that made any port where profitable cargo could be found.

The establishment of definite trade routes and the operation of ships on schedule time by the United States has done much to stabilize our foreign trade and induce private operators, both foreign and American, to give scheduled service over definite trade routes until now about 70 per cent of our foreign commerce is carried over definite routes on schedule time at reasonable rates.

To properly serve the producers and shippers of the United States we must have dependable service over definite routes on fixed schedules at reasonable and stable rates published in advance of their effective date a sufficient time to protect the buyer and seller at home and abroad in their sales contracts and delivery commitments.

To establish new trade routes and operate an American delivery service over these routes during the pioneer days of trade building and expansion in foreign markets for American products has incurred some deficits.

During the fiscal year ending June 30, 1927, the Government operated an average of about 300 ships, and in this operation incurred a deficit of slightly less than $13,000,000 ($12,773,667.01). During the fiscal year ending June 30, 1928, with low competitive freight rates, the deficit incurred by the Government in the operation of these ships, including insurance, maintenance, betterments, advertising, and administrative expenses, was slightly over $15,000,000 ($15,100,156.45).

The freight bill on our water-borne foreign commerce was about $760,000,000 per year ($750,266,892) in 1927. (Figures not available for 1928.)

Over $530,000,000 ($531,139,853) was paid to the owners of foreign ships and less than $230,000,000 ($229,127,029) to the operators of American ships, private and Government, in 1927.

The Government deficit in 1927 is slightly over 1½ per cent, and in 1928 is slightly less than 2 per cent of the freight bill.

With the Government out of the picture, an increase in freight rates by conference and agreement between shipowners, foreign and domestic, would be possible and probable. An increase of 10 per cent in rates for one year would equal the deficit incurred by the Government in the operation of Government-owned ships for several years.

In 1914 the exports of the United States amounted to $2,364,579,148, and the imports to $1,893,925,657. In comparison with the exports and imports of the United States during the fiscal year ending June 30, 1928, our exports show an increase of $2,512,420,852, and our imports of $2,252,074,343 in 1928 over the exports and imports in 1914.

The balance of trade in favor of the United States in 1914 was $470,653,491, and in 1928 it was $731,000,000, showing an increase of $260,346,509.

From a business man's viewpoint, it is worth something to increase his volume of trade and the same is true when applied to the foreign trade of a nation.

The deficit incurred in the operation of about 300 ships was about one-half of 1 per cent of the increase in the exports of the increase in the balance of trade in favor of the United States in 1928 compared with the balance of trade in 1914.

Two things have contributed vitally and materially to this large increase in the foreign trade of the United States. One is the work done by the Department of Commerce, under the leadership of President-elect Hoover as Secretary of Commerce, in seeking out and helping our producers to win the good will of foreign buyers and consumers and inducing them to buy more and more of American-made goods and products. The other essential thing has been the improved transportation overseas by the establishment of a dependable schedulized definite delivery service under the leadership of the United States Shipping Board.

Most any business man would consider it good business to improve his delivery system if he could show increases in the volume of his trade at a cost of one-half of 1 per cent of his increased sales, and less than 6 per cent of the increase in his net profits.

Without a delivery service equal to that of any other nation competing for business in the same foreign markets we could not hold the market for American products, much less expand it, and all the work done by the Department of Commerce would avail nothing.

Salesmanship as practiced by the Department of Commerce and American producers must go hand in hand with transportation under the leadership of the United States Shipping Board and the progressive, courageous American shipping men if our foreign trade expands in proportion to increased production in the United States.

If the establishment and maintenance of an adequate American merchant marine as an efficient delivery system for American producers that sell in foreign markets is an important factor in increasing our sales to the people of other countries, as we insist it is, the next step is to make it self-supporting as a Government activity in behalf of the best interest of all the people and pass the ships to citizens of the United States for private operation as fast as such operation can be made profitable and still maintain the service essential to the well-being and prosperity of the American people.

To hasten this process the people must aid by shipping and traveling on American-flag ships, whether privately owned or Government owned.

Unless the producers and shippers of the United States patronize and use their own ships—their own delivery system—when the service and rates are equal to those afforded by other ships, it will be impossible to build up an adequate American merchant marine.

The American people are loyal and prompt to respond in any national emergency. When they fully realize the economic value of an American merchant marine to the everyday producer of our land, both agricultural and industrial, they can be depended upon to give their wholehearted support to American-flag ships.

All that Congress and all the Shipping Board can do to build up an American merchant marine is not enough without the loyal support and patronage of the American people.

ORDER OF BUSINESS

The VICE PRESIDENT. Morning business is closed.

Mr. VANDENBERG. Mr. President, in strict conformity with the rule, I ask unanimous consent that I may be permitted to proceed for a few moments in explanation of a very important measure pending on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. EDGE. Mr. President, reserving the right to object, I have no desire to interfere with the Senator from Michigan making the speech which, I understand, he desires to make; but, on the other hand, this is the first opportunity we have had to consider the calendar for 10 days or more. The Senate will recall that on the last occasion when the calendar was called the Senate was considering the joint resolution providing for surveys in Panama and Nicaragua, but, at the request of a Senator, I consented to postpone further action on the joint resolution at that time, with the statement that I would ask that the joint resolution be again considered at the first opportunity. It was more or less a gentleman's agreement that it would be again considered upon the first occasion when the calendar was called. I feel that the importance of the joint resolution in every way justifies that we consider it at this time. I was going to ask when the calendar was called that the joint resolution be taken up and considered by the Senate. I hope that it can be passed without opposition, as I think I have met all requests for amendments to the measure. The resolution as it stands merely provides for a survey of those two important projects, so that Congress may be informed and be able to give intelligent consideration to one of the most important problems that we are facing. I hope that the joint resolution may be passed without debate, but if there should be any objection to the joint resolution I propose to move its consideration, in which event, of course, the Senator from Michigan could make his speech. I should like

to have the regular order proceeded with so that this measure may at least be brought before the Senate.

Mr. VANDENBERG. Mr. President, if permitted to speak, I shall conclude my speech in ample time for the Senator from New Jersey to do what he seeks.

Mr. EDGE. I do not doubt that, but the introduction of another subject before the Senate naturally brings on more or less controversy, and in any way, shape, form, or manner it will not interfere with the speech of the Senator from Michigan by having the joint resolution brought before the Senate. If I can have it passed unanimously, then there will be nothing more to be done. If I can not have it passed without objection, then I shall move to take it up, and I assume that, under the understanding, the joint resolution will be laid before the Senate. Then, of course, the Senator from Michigan can speak upon the joint resolution if he cares to do so.

Mr. VANDENBERG. But in that event a Senator could speak only for five minutes.

Mr. EDGE. Oh, no; under the rules of the Senate the Senator could speak from now until 2 o'clock if the joint resolution shall be laid before the Senate on motion.

Mr. VANDENBERG. Not on the motion to consider the joint resolution.

Mr. EDGE. After the motion to consider the joint resolution shall be decided affirmatively, the Senator from Michigan can speak from now until 2 o'clock. Under those circumstances, without in any way interfering with the Senator's speech, and so that at least I may have the joint resolution brought before the Senate, in accordance with the understanding, so far as we can have understandings without a unanimous-consent agreement, I ask for the regular order, so that consideration of the calendar may at least be begun. Then I will ask for the immediate consideration of the joint resolution.

Mr. NORRIS. I should like to ask the Senator from New Jersey whether by taking up the valuable time of the Senate now he is filibustering against the cruiser bill?

Mr. EDGE. Mr. President, I assure the Senator that I will not take five minutes further to explain the subject matter of the joint resolution. I think the Senate is entirely familiar with it. I ask for the regular order.

THE CALENDAR

The VICE PRESIDENT. The calendar, under Rule VIII, is in order. The clerk will state the first bill on the calendar.

The CHIEF CLERK. A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war.

Mr. BRUCE. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. EDGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 785, being Senate Joint Resolution 117, the joint resolution to which I have just referred.

Mr. ASHURST. Mr. President, I must object, as I desire to have the calendar called from the beginning. I myself have a bill on the calendar which should be considered and which is just as important relatively as is the joint resolution of the Senator from New Jersey. I am in favor of his joint resolution, but I object to singling out one measure on the calendar; therefore let us begin at the beginning and go through the entire calendar. I ask for the regular order.

The VICE PRESIDENT. The regular order is called for. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The CHIEF CLERK. A bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes.

Mr. COPELAND. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. BAYARD. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. Mr. President, I ask that that bill go over. An amendment is being prepared to it which it is desired to submit later.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. MOSES. Over.

The VICE PRESIDENT. The bill will be passed over.

WITHDRAWAL OF MARINES FROM NICARAGUA

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

SEVERAL SENATORS. Over.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Alabama if there is any necessity of having the joint resolution remain longer on the calendar? It is accompanied by an adverse report. Why may it not be indefinitely postponed?

Mr. HEFLIN. Mr. President, I am just wondering why our marines are not brought home now. The election in Nicaragua is over; the marines were to stay in Nicaragua until an election had been held and the Government of Nicaragua could function. We have gone in and set up their Government.

Mr. SMOOT. There is an adverse report on the joint resolution, and I think it should be indefinitely postponed.

Mr. HEFLIN. If the marines had been brought home earlier, the three boys who have recently lost their lives would not have been killed. I will let the joint resolution stay on the calendar for a while, because if something is not done to bring the marines home I am going to renew the fight later.

Mr. BRUCE. If the marines had been brought home from Nicaragua, how many Nicaraguans would have lost their lives?

Mr. DILL. When were we called upon to save the lives of Nicaraguans?

Mr. HEFLIN. And when were we called on to have American boys killed in order to save Nicaraguans?

Mr. SMOOT. I ask that the joint resolution go over.

The VICE PRESIDENT The joint resolution will be passed over.

BILLS PASSED OVER

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. METCALF. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

ANDREW W. MELLON

The joint resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

Mr. HARRISON. Mr. President, was there objection to the reconsideration of Senate Resolution 173?

Mr. SMOOT. I asked that it go over.

Mr. HARRISON. I notice that this resolution expresses it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury. I merely wish to call attention of the Senate to the fact that if we are going to have action upon this resolution we had better act on it before the 4th of March, because we may not have an opportunity after that time to take the action proposed.

Mr. SMOOT. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FOREIGN TRADE ZONES IN UNITED STATES PORTS OF ENTRY

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. BINGHAM. Mr. President, I ask to have printed in the RECORD a resolution passed by the executive committee of the Connecticut Chamber of Commerce in relation to the bill the title of which has just been read.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution is as follows:

It was voted: That the following resolution be passed and forwarded to the Connecticut congressional delegation:

"Whereas there have been various bills, including calendar bill 729 and Senate bill 742, which bill is said to have the indorsement of the Treasury Department and the Department of Commerce, providing for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, which trade zones are to be either on Government land or on private land, and to be operated as private monopolies, and for the purpose of allowing foreign merchandise to be brought in and offered for sale, mixed, changed, repacked, without payment of duty, except such goods as are actually offered for consumption: Be it

"*Resolved*, That the executive committee of the Connecticut Chamber of Commerce, composed of over 1,100 members representing all branches of business, protests against the granting of such private monopolies, and also against the importation of merchandise to be offered for sale in competition with American production without the payment of duty."

Executive committee of the Connecticut Chamber of Commerce: Edward N. Allen, vice president Sage-Allen & Co., Hartford; Stanley H. Bullard, vice president Bullard Machine Tool Co., Bridgeport; John B. Byrne, vice president Hartford-Connecticut Trust Co., Hartford; F. S. Chase, president the Chase Cos., Waterbury; Frank Cheney, jr., Cheney Bros., South Manchester; Frank H. Johnston, president City Coal & Wood Co., New Britain; James T. Moran, president Southern New England Telephone Co., New Haven; Ernest E. Rogers, Lieutenant Governor of Connecticut; Henry Trumbull, treasurer Trumbull Electric Manufacturing Co., Plainville.

BILLS PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

PROPOSED NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. VANDENBERG. I object, for the purpose of permitting the Senator from New Jersey to make the motion which he desires to make.

Mr. EDGE. I will say to the Senator from Michigan that that procedure would, of course, afford him an opportunity to make a speech at this time, if the motion should carry; but I do not believe that the Senator really wants to object to the joint resolution from that standpoint, because he certainly will have an opportunity to make his speech during the morning, or, at any rate, during the day. So far as I have been able to learn, and after considerable consultation with other Senators, I think all objections to the joint resolution have been removed, and I had hoped that it could be passed without objection.

Mr. VANDENBERG. Then, the motion to consider the measure will promptly carry.

Mr. ROBINSON of Arkansas. I suggest to the Senator from New Jersey that he do not make the motion under those conditions.

Mr. ASHURST. Mr. President, I assume that there is no opposition to the joint resolution; so let the question be put.

Mr. EDGE. I hope that the Senator from Michigan will withdraw his objection. I think that he is in favor of the joint resolution.

Mr. VANDENBERG. The Senator from Michigan is entitled to protect his parliamentary rights. He feels that he has a matter to present to the Senate which is of fundamental importance, but the Senator from New Jersey has made it impossible—and entirely within his right——

Mr. ROBINSON of Arkansas. I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The Secretary will state the next bill on the calendar.

The CHIEF CLERK. The next bill on the calendar is the bill (S. 2097) to provide for the protection of the municipal watersheds within the national forests.

Mr. EDGE. Mr. President, I will speak for a moment on that bill.

Mr. President, before the regular order, I desire to reply to the Senator from Michigan, especially when we have similar interests in the measures now under discussion.

This joint resolution, in which I am interested as the chairman of the committee, as well as having made considerable study of the subject, has been on the calendar since March 21, almost a year. In fact, upon the request of Senators, usually based upon interests other than the measure itself, I have postponed action at least five times. It does seem to me now that the time has come when this very important joint resolution should not be used as a vehicle to force or press some other legislation; and I appeal to the Senator from Michigan to withdraw his objection, and permit the joint resolution to be passed at this time.

Mr. HEFLIN. Mr. President, if the Senator from New Jersey will permit me, I would suggest to the Senator from Michigan that as soon as the cruiser bill is taken up he can speak without limit, and get into the debate a little later. He would only have to wait until 2 o'clock anyhow.

Mr. MOSES. That is the voice of an expert, Mr. President.

Mr. VANDENBERG. Mr. President, the Senator from New Jersey suggested that upon objection he would move to take up this bill, which would permit a reasonable presentation of the subject matter that I wish to present. If he desires to pursue that course——

Mr. REED of Pennsylvania. A parliamentary inquiry, Mr. President.

Mr. ROBINSON of Arkansas. I call for the regular order.

Mr. REED of Pennsylvania. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. Order of Business No. 785, the joint resolution of the Senator from New Jersey, having been passed over, would a motion now be in order to take it up?

The VICE PRESIDENT. There is another measure before the Senate.

Mr. REED of Pennsylvania. Therefore, Mr. President, the suggestion of the Senator from Michigan being inapplicable, I ask unanimous consent that we revert to Order of Business 785.

Mr. ROBINSON of Arkansas. I object, Mr. President.

MUNICIPAL WATERSHEDS WITHIN NATIONAL FORESTS

The VICE PRESIDENT. Objection is made. Is there objection to the consideration of Senate bill 2097, Order of Business 791?

Mr. BLEASE. Let it go over.

Mr. DILL. Mr. President, I wish the Senator would withhold his objection for a moment. This is a bill for which the Interior Department has asked for a number of years. It is of extreme importance to the people of the West, where small towns are obtaining their water supply from forest reservations. It simply empowers the Secretary of the Interior in his discretion to protect those watersheds. If the Senator realized the situation in many of our small communities near these reservations, I think he would not object to the consideration of the bill.

Mr. BLEASE. I have some important bills here, too; and the Senator who is the author of this bill takes pleasure in keeping them from coming up. I object.

Mr. DILL. I am sorry the Senator objects on personal grounds rather than the merits of the bill.

Mr. BLEASE. When I am fought personally I am going to fight back personally.

Mr. BRATTON. Mr. President, let me say to the Senator from Washington that I have asked the Department of Agriculture to suggest some limitation to the power vested in the department under this bill; and I should feel compelled to ask that it go over until that could be worked out.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

BILLS, ETC., PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. BLEASE and Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. BLEASE and Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. ODDIE. Mr. President, I propose to introduce an amendment limiting the time of service in any of the countries proposed in the bill providing for detail of engineers to not more than one year.

Mr. BAYARD. Is the Senator referring to Senate bill 1718?

Mr. ODDIE. Yes.

Mr. BAYARD. I have objected to that bill, I may say to the Senator, at the request of the junior Senator from Utah [Mr. KING], who can not be here to-day. He asked that I object to its present consideration.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, that whole subject is now under consideration. I ask that this bill and the bill that I reported, when we reach it, shall both go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

HYDROELECTRIC POWER DEVELOPMENT ON INDIAN RESERVATIONS IN ARIZONA

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Federal Power Commission is hereby authorized, in its discretion, to issue permits and licenses in accordance with the Federal water power act for the development of hydroelectric power on Salt River within the Fort Apache and the White Mountain or San Carlos Indian Reservations, Ariz.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST. I thank the Senate very much.

MILTON LONGSDORF

The bill (H. R. 8988) for the relief of Milton Longsdorf was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

The VICE PRESIDENT. This bill is the unfinished business, and will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps, was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes, was announced as next in order.

Mr. MOSES. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C., was announced as next in order.

Mr. BLEASE. Mr. President, there will not be time to discuss this resolution adequately under the 5-minute rule. I therefore ask that it go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. James Couzens, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. ROBINSON of Arkansas (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. FESS (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NATIONAL INSTITUTE OF HEALTH

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. RANSDELL. Mr. President, I hope the Senator will withdraw his objection.

Let me say that this is a very important bill. It is a bill to create a national institute of health. The purpose of it is to have a systematic study made of the diseases affecting human beings.

The measure is an absolutely altruistic one. It has the unanimous support of the Public Health Service of the Treasury Department, and of all the scientific institutions in the country that know anything about it. I believe if the Senator understood the measure he would not oppose it, especially in view of the awful epidemic of influenza that is now sweeping over this country.

Ten years ago we tried to fight influenza. We did not succeed. It killed thousands and hundreds of thousands of people. To-day it is just as bad as it ever was, and we know no more about it than we did then.

This bill simply seeks, not to create a new department, not to create a new bureau, but to carry on in a broader, better way in the Public Health Service the investigation of the diseases affecting human beings and causing so much sickness, so much unhappiness, so much loss, millions of dollars of loss every year.

If there is any good reason for fighting this bill, let us have it; but I beg Senators not to object simply because they can object to this great measure, which has been on the calendar for a long time.

I hope the Senator from Delaware will withdraw his objection and allow this bill to be considered.

Mr. BAYARD. No, Mr. President, I will not withdraw my objection, because I can truthfully say there are thousands of institutions throughout this country which are pursuing the same course of investigation that this particular institution would pursue; and I am wholly unwilling for the Federal Government to indulge in an absolutely unnecessary expense, as I see it, when other institutions, not only in this country but throughout the world, are carrying on the same work that the Senator desires by this bill to impose upon the Federal Government.

Mr. RANSDELL. Let me say to the Senator that we will cooperate with those other institutions. They are all desirous of having this bill passed. Their representatives have appeared before the committee and given their testimony. We do not interfere with them in the slightest degree; but we will secure their cooperation, and we will cooperate with them.

Mr. SMOOT. I call for the regular order.

Mr. BAYARD. Mr. President, I admit that there is no interference of any kind, but the proposed institute, as I see it, is wholly unnecessary, and I object.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

Mr. RANSDELL subsequently said: Mr. President, in connection with a statement which I made this morning with reference to the bill to establish a national institute of health, I ask permission to have printed in the RECORD, following those remarks, a letter from Mr. Mellon, Secretary of the Treasury, addressed to the Senator from Washington [Mr. JONES], chairman of the Committee on Commerce, dated the 21st instant.

The PRESIDING OFFICER (Mr. DALE in the chair). Without objection, it is so ordered.

The letter is as follows:

JANUARY 21, 1929.

Hon. WESLEY L. JONES,

Chairman Committee on Commerce, United States Senate.

DEAR MR. CHAIRMAN: Reference is made to S. 4518, which was introduced in the Senate by Senator RANSDELL May 3, 1928. Its provisions are as follows: Enlargement of the Hygienic Laboratory and change of its name to the National Institute of Health; authorization of appropriations as may be necessary to carry out the provisions of the act; acceptance of gifts to be used for the promotion of research; establishment of fellowships in the institute; appointment of scientists; utilization of the facilities of the institute by health authorities; and utilization by the personnel of the institute of the facilities of other scientific institutions wherever located.

The bill as now prepared does not create any new bureaus or new commissions, but utilizes existing governmental machinery. In reality it provides for orderly enlargement of the Hygienic Laboratory and aims to take advantage of its facilities for the training of scientific workers. In order to be substantial this enlargement will necessarily be gradual, depending on available facilities and the ability to secure properly trained personnel to carry on research.

The provision to create a system of fellowship is one of the most valuable parts of the bill. It will enable the National Institute of Health to encourage men and women of marked proficiency to devote their lives to the study of diseases of mankind. It will also supply contacts among scientific workers to collect and disseminate knowledge.

I am impressed by the authorization for the unconditional acceptance of bequests for the promotion of research. It should encourage private contributions toward the study of health problems, and insure their wise use for the solution of particular problems.

The principles of the bill have been indorsed by the leading scientific societies and many prominent scientists and physicians. These principles are meritorious, and I believe their enactment into law would be highly beneficial, in the promotion of research and the saving of life.

It may be added that the Bureau of the Budget advises that the proposed legislation is not in conflict with the financial program of the President.

Yours very truly, A. W. MELLON.

BILLS PASSED OVER

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. MOSES (and other Senators). Let that go over.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The bill will be passed over.

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1928, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

SUPREME COURT REPORTS FOR COURT OF CUSTOMS APPEALS

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. BRATTON. Mr. President, may I inquire of the junior Senator from Wisconsin [Mr. BLAINE], who reported this bill, as to the particular manner in which it amends the section of the code referred to?

Mr. BLAINE. Mr. President, under the present law the Attorney General has held that he has no authority to furnish copies of the United States Supreme Court Reports to the Court of Customs Appeals.

Mr. BRATTON. This is the bill which the Senator and I discussed, then?

Mr. BLAINE. Yes. It is simply to furnish that court with copies of the Supreme Court Reports.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

GRAZING FACILITIES WITHIN NATIONAL FORESTS

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

Mr. PHIPPS. Mr. President, will the Senator withhold his objection for a moment? I desire to say that this bill has been on the calendar for some time. The questions involved have been given very serious study over a period of years, and the Department of Agriculture is in accord with the main purposes of the bill. The only difference between the department and the committee at the present time, as far as I am aware, is the question of the fees to be charged for grazing stock in the national forests. That is a debatable question, of course, but the department is to-day collecting at least four or five times the cost of the administration in the national forests.

The stock industry to-day is in such condition that it is asking for relief as a part and feature of farm relief. My own feeling has been for some time that the grazing fees that have been charged over a period of years are as high as they should be, or at least that no advances should be made at the present time. If the department were to carry out its proposed program within the next two or three years, the rates now charged would be almost doubled, and I submit that the industry is not in position to stand that additional charge at the present time.

Mr. WALSH of Montana. I have written some constituents in regard to this bill and am awaiting a reply.

Mr. PHIPPS. I wanted to make the statement I have made so that the Senate would be informed, because at an early date I desire to bring the bill up for consideration in the regular way.

Mr. ROBINSON of Arkansas. Mr. President, I would like to make a suggestion to the Senator. It would seem to me that such a bill would be difficult of administration. It provides for the free grazing of livestock kept for domestic purposes. It seems to me that under it there would devolve upon the department the obligation of determining that the livestock permitted free grazing were kept for domestic purposes.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

INCREASES OF POSTAL SALARIES

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. MOSES. Mr. President, will not the Senator withhold the objection?

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. BLEASE. Yes, Mr. President.

Mr. MOSES. This measure, as will be seen from the notation on the calendar, is a House bill upon a subject which was considered by the Senate Committee on Post Offices and Post Roads and upon which the committee made a unanimous report. Evidently, when the substitution was made of the House bill for the Senate bill which was upon the calendar, the report accompanying the Senate bill was not left with the House bill as it stands on the calendar; but, briefly, the circumstances are these:

In the course of the legislation of February 28, 1925, revising the salaries of postal employees, the first-class postmasters were the only persons in the Postal Service who did not benefit by the legislation. With the growth of the postal business, especially of the first-class offices, it has seemed to the committee that an injustice was done to those men in that grade of the service.

The bill now on the calendar coming over from the House is a much more economical bill, I will say to the Senate, than that which the Senate Committee on Post Offices and Post Roads recommended, and the House bill represents, I think, a much more extended set of hearings on the subject than the Senate committee was able to give.

Both committees being in favor of the principle involved in the measure, the question was what schedule of salaries could be agreed upon, and while the schedule provided in the House bill is not as generous or as extensive as that provided in the Senate bill, it seemed, in order to advance the legislation, that the proper method was to substitute the House bill when it came over to the Senate, and now reaching it on the calendar, I hope Senators will not object to it.

Mr. EDGE. Mr. President, is it not also a fact that the Senate at a previous session passed a bill providing for salaries substantially as they were fixed in the Senate bill which the Post Office Committee later reported favorably? In other words, this legislation has passed the Senate?

Mr. MOSES. The essential features of the bill as reported from the Senate committee in the present Congress were contained in a bill passed in the Sixty-ninth Congress and sent over to the House, but which there failed of action.

Mr. DILL. Mr. President, at the request of the Senator from Utah [Mr. KING] I am compelled to object.

The PRESIDING OFFICER. The bill will go over.

TRAVEL PAY TO CERTAIN SOLDIERS

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. DILL. I object.

The PRESIDING OFFICER. The bill will be passed over under objection.

Mr. FRAZIER rose.

Mr. DILL. I am objecting to the bill at the request of the Senator from Utah [Mr. KING], I may say. Personally, I have no objection.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

FIFTEENTH AND SUBSEQUENT CENSUSES

The bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses was announced as next in order.

Mr. BRUCE. Mr. President, I have a very important amendment on the table relating to that bill, and it would be impossible to discuss my amendment at any length of time the Senate would tolerate now, I am sure.

Mr. HARRIS. Mr. President, the delay in passing this legislation is interfering with the work of the Census Bureau, and I hope the Senator from Maryland will arrange at an early date for a consideration of the measure. When I was Director of the Census Mr. Steuart, the present director, was associated with me in that work, and he is one of the most efficient public officials I have known. Congress should pass this measure without delay.

Mr. BRUCE. I am ready to take the amendment up at any time at all. I have not the slightest desire to obstruct the

passage of the bill. On the contrary, I would like to promote and accelerate the passage of the bill, but this amendment I have offered is one which will take some time to discuss.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

IMMIGRATION QUOTAS

The bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws was anounced as next in order.

Mr. PHIPPS. Let the bill go over.

Mr. HARRIS. Mr. President, I hope the Senator from Colorado will withdraw his objection to the consideration of this bill. It has been unanimously reported by the committee, and is recommended by the American Federation of Labor, the American Legion, the Women's Auxiliary of the American Legion, and many other patriotic organizations. I hope the Senator will not object to the consideration of this measure. It is a matter of the greatest importance to the entire country.

Mr. PHIPPS. I regret that I must insist upon my objection. I would like very much to discuss the matter with the Senator.

Mr. HARRIS. I give notice that I will move to take this measure up at the earliest opportunity, and will urge its passage without delay.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

LEMUEL SIMPSON

The bill (S. 2192) for the relief of Lemuel Simpson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Lemuel Simpson, late private of Company C, Black Hawk Regiment Cavalry, Missouri Volunteers, and late corporal and second sergeant of Company K, Fifty-fifth Regiment Indiana Volunteers, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said Company C, Black Hawk Regiment Cavalry, Missouri Volunteers: *Provided*, That no back pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 27, after line 17, to strike out:

The name of Sarah E. Chandler, former widow of John H. Arbuckle, late of Company I, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 15, to strike out:

The name of Sarah E. Anderson, widow of John Anderson, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, after line 12, to strike out:

The name of Matilda Misener, widow of Jasper R. Misener, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to strike out:

The name of Mary E. Rankin, widow of William Rankin, late of Company B, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 2, to strike out:

The name of Missouri F. Sanders, widow of William G. Sanders, late of Company A, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 6, to strike out:

The name of Adaline B. Shiers, widow of Caleb H. Shiers, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to strike out:

The name of Mary E. Small, widow of William P. Small, late of Company I, Thirty-sixth Regiment Ohio Volunteer Infantry, and Company G, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 23, to strike out:

The name of Mary M. Wilson, widow of Scott Wilson, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to strike out:

The name of Anna Blue, widow of George Blue, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, after line 12, to strike out:

The name of Louisa Reeves, widow of Oliver J. Reeves, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 91, after line 10, to strike out:

The name of Sarah M. Ferguson, widow of Edgar Ferguson, late of Company K, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 92, after line 17, to strike out:

The name of Alice J. McClelland, widow of Alfred J. McClelland, late of Company K, Eighty-sixth Regiment, and Company H, One hundred and thirty-fifth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 95, after line 9, to strike out:

The name of Alice M. Simmons, widow of Lester A. Simmons, late of Company A, One hundred and twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 96, after line 22, to strike out:

The name of Annie Donley, widow of John Donley, late of Company K, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 112, after line 17, to strike out:

The name of Orinda Carson, widow of Samuel S. Carson, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 114, after line 23, to strike out:

The name of Laura M. Kendig, widow of Henry B. Kendig, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 115, after line 12, to strike out:

The name of Luticia Seibert, widow of Adam Seibert, late of Companies I and A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 118, after line 11, to strike out:

The name of Eliza Parke, widow of James C. Parke, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 121, after line 4, to strike out:

The name of Hattie McKeehen, widow of David A. McKeehen, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 125, after line 8, to strike out:

The name of Theressa P. Hardy, widow of Henry H. Hardy, late of Company H, Forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 145, after line 13, to strike out:

The name of Amelia A. Green, widow of Edward J. Green, late of Company A, Thirteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 173, after line 19, to strike out:

The name of Catharine T. M. Bachman, widow of Martin V. B. Bachman, late of Companies B and E, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 189, after line 20, to strike out:

The name of Ernestine Roberts, widow of Palmer W. Roberts, late hospital steward, United States Army, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 197, after line 4, to strike out:

The name of America Pilchard, widow of John Pilchard, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 211, after line 4, to strike out:

The name of Ollie E. Carnaghan, widow of Archibald Carnaghan, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 222, after line 22, to strike out:

The name of Alice T. Cantwell, widow of Michael Cantwell, late of Company K, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 223, after line 2, to strike out:

The name of Sarah Henry, widow of William H. Henry, late of Company K, Thirty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 228, to strike out:

The name of Mary J. Bunker, widow of Charles A. Bunker, late of Company B, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 234, after line 21, to strike out:

The name of Mary Rogier, widow of Lambert Rogier, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 235, after line 12, to strike out:

The name of Julia E. Leming, widow of Taylor Leming, late of Company I, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 240, after line 16, to strike out:

The name of Minnie A. Bennett, widow of John W. Bennett, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 264, after line 14, to strike out:

The name of Susan V. Cornell, widow of Thomas Cornell, late of Company I, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 265, after line 13, to strike out:

The name of Catherine McDermitt, widow of Francis B. McDermitt, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 266, after line 9, to strike out:

The name of Margaret B. Parker, widow of Thomas Parker, late of Company H, First Regiment Maryland Volunteer Cavalry, and Company K, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 274, after line 2, to strike out:

The name of Ellen Russell, widow of Corydon Russell, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 283, to strike out:

The name of Anna E. Doty, widow of Orrin E. Doty, late of Company H, First Regiment United States Volunteer Sharp Shooters, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 289, after line 3, to strike out:

The name of Sarah A. Briggs, widow of George D. Briggs, late of Company A, Forty-second Regiment Ohio Volunteer Infantry, and Company G, Sixth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 293, after line 11, to strike out:

The name of Mary Bruce, widow of William H. Bruce, late of Company I, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 306, after line 16, to strike out:

The name of Sarah E. Hampton, former widow of Merriman Wayman, late of Company H, Thirty-seventh Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now received.

The amendment was agreed to.

The next amendment was, on page 337, after line 20, to strike out:

The name of Martha L. Palmer, widow of Thomas P. Palmer, late of Company G, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 338, after line 8, to strike out:

The name of Dianna Ricketts, widow of Thomas W. Ricketts, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 345, after line 23, to strike out:

The name of Martha Schmelzle, former widow of Conrad Horn, late of Company A, Seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 361, after line 16, to strike out:

The name of Diantha Dean, widow of George Dean, late of Company H, First Regiment New York Dragoons, Nineteenth Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 383, after line 14, to strike out:

The name of Ellen Bott, widow of George L. Bott, late of Company H, Thirty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 394, after line 4, to strike out:

The name of Sarah Howe, widow of Joel W. Howe, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 401, after line 15, to strike out:

The name of Henrietta Stackpole, widow of William T. Stackpole, late of Fifteenth Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 403, after line 5, to strike out:

The name of Ruth A. Hazzard, widow of Robert C. Hazzard, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 414, after line 6, to strike out:

The name of Sarah J. Roop, widow of Amos Roop, late of Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 416, after line 12, to strike out:

The name of Sarah E. Hartley, widow of William H. Hartley, late of Seventh Battalion Indiana Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 444, line 8, after the words "widow of," to strike out "Joseph" and insert "John," so as to read:

The name of Carrie A. Speck, widow of John P. Speck, late of Company M, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 459, after line 22, to strike out:

The name of Clara L. Dawson, widow of Theobald M. Dawson, late of Company D, Eighty-fourth Regiment, and Company H, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 461, after line 7, to strike out:

The name of Roberta Salter, former widow of Samuel G. Abercrombie, late of Company I, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 463, after line 13, to strike out:

The name of Martha Jane Kendrick, widow of John F. Kendrick, late of Company K, First Regiment Nebraska Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 470, after line 14, to strike out:

The name of Beckie E. Hyman, widow of John A. Hyman, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 478, after line 4, to strike out:

The name of Elizabeth Jones, widow of Nelson Jones, late of Company C, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $70 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clarence W. Jones, helpless and dependent son of said Elizabeth and Nelson Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Jones, the name of said Clarence W. Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Jones.

The amendment was agreed to.

The next amendment was, on page 490, after line 20, to strike out:

The name of Ellen O'Neill, widow of James O'Neill, late private, United States Marine Corps, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 517, after line 17, to strike out:

The name of Catherine E. Russell, widow of John W. Russell, late of Company C, Sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 518, after line 23, to insert:

The name of Esmeralda Celeste Adams, former widow of Albert H. Buttrick, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Lenau, widow of Gustav Lenau, late of Battery A, First Regiment New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia L. McGoven, widow of Patrick McGoven, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Calista E. Clary, widow of Cornelius C. Clary, late of Company A, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Christine Klump, widow of Ferdinand Klump, late of Company B, Eighth Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joseph H. Peterson, late of the United States Military Corps, and pay him a pension at the rate of $50 per month.

The name of Amelia Bee, widow of Joel Bee, late of Company M, Sixth Regiment Virginia Infantry, and Battery A, First Regiment Vir-

ginia Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ida M. Knox, widow of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ginevra Miller, widow of William H. Miller, late of Company A, First Regiment Mississippi Infantry, and Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Howsmon, widow of William H. Howsmon, late of Company E, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louise Lee Cunningham, former widow of Philip McD. Lee, late of Company H, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennie Gabelman, widow of Charles E. Gabelman, late of Company A, Forty-fifth Regiment Iowa Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susa A. Jones, widow of Noah D. Jones, late of Company A, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy E. Lindsey, widow of Leander B. Lindsey, late of Company H, Third Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine French, widow of Asa K. T. French, late of Company F, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie R. Goodman, helpless daughter of John R. Smith, late of Company A, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Annie P. Mercer, widow of John A. Mercer, late of Company K, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Gross, widow of Lorenzo Gross, late of Company H, Tenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Moore, widow of Richard Moore, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Turk, widow of Henry W. Turk, late of Company D, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie M. Gibson, widow of James S. Gibson, late of Company H, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Ellen Pierpont Jenks, widow of Orrin Jenks, jr., late of Military Telegraph Corps of the United States Army, Civil War, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Hunt, widow of Lewis W. Hunt, late of Company D, Twenty-second Regiment —— Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Frazier, widow of William Frazier, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna E. Dean, widow of George W. Dean, late of Battery E, First Regiment Rhode Island Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Anna S. Bennett, widow of Nelson P. Bennett, late of Battery C, First Regiment Rhode Island Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Jefferson, widow of Henry H. Jefferson, late of Company H, First Regiment Iowa Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Arminda Harlan, widow of Joseph Harlan, late of Company H, Forty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary V. Doyle, widow of James Doyle, late of Company A, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella I. Fisher, widow of Henry P. Fisher, late of Company B, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Armstrong, widow of George Armstrong, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month, to commence from the date of the approval of omnibus bill S. 2900, approved May 3, 1928.

The name of Cordie Vincent, widow of Noah Vincent, late of Company B, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie E. Drake, widow of James E. Drake, late of Battery F, Third Regiment New York Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Julia T. Goodhue, widow of Henry T. Goodhue, late of Captain Chandler's company, New Hampshire National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Florence E. Wilbur, widow of Orson E. Wilbur, late of Company C, One hundred and eighteenth Regiment Illinois Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Kenyon, widow of Charles S. Kenyon, late of Company F, Third Regiment Rhode Island Cavalry, and pay her a pension at the rate of $20 per month.

The name of Lillia M. Gallier, former widow of William H. Collier, late of Company —, United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta M. Bull, widow of Stephen Bull, late of Company C, One hundred and eighty-sixth Regiment New York Infantry, and pay her a pension at the rate of $20 per month.

The name of Paulina Williams, widow of Lloyd Williams, late of Company H, Seventh Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ruth Wyman, widow of Martin V. B. Wyman, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month until 60 years of age and $30 per month thereafter.

The name of Lucy Ross Guffin, helpless child of Ross Guffin, late of Company G, Fifty-second Regiment Indiana Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles H. McCoy, helpless child of Josiah B. McCoy, late of Headquarters Company, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Rachel Featherston, former widow of William Surber, late of Company F, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan I. Brown, widow of George E. Brown, late of Company H, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maggie Albert, widow of Alexander Albert, late of Company I, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emelie Sippel, former widow of Henry Sippel, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Fannie D. Abbott, widow of Benjamin F. Abbott, late of Company B, Thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Treadway, widow of Joseph Treadway, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha A. Mohler, former widow of Jeremiah Hornback, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Brown, widow of Joseph E. Brown, late of Company K, Tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Blue, former widow of Rolla Hofsteater, late of Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella L. Anderson, helpless child of James W. Benham, late of Company G, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary A. Long, widow of Alfred R. Long, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Annie Robins, widow of George W. Robins, late of Capt. John R. Cochran's Six-months Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Ella Reynolds, widow of Clark Reynolds, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rella M. Lasater, widow of Absalom A. Lasater, late of Company K, Seventy-first Regiment Illinois Volunteer Infantry, and

pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sallie C. Driscoll, widow of Cornelius Driscoll, late of Company B, Eighth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louise A. Sefert, widow of Henry Sefert, late of Company F, Thirty-second Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Angelina Naper, widow of Jerome P. Naper, late of Company F, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Singer, widow of George W. Singer, late of Company I, Thirty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Justine M. Thrift, widow of William H. Thrift, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Roberta M. Bukey, widow of John S. Bukey, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth White, widow of Francis H. White, alias Frederick F. Clifton, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Stites, widow of William C. Stites, late first lieutenant and adjutant, Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alma M. Schribner, widow of Prentiss S. Scriber, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosa A. Hall, widow of Nelson B. Hall, late of Company E, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $— per month in lieu of that she is now receiving.

The name of James R. Brown, late of the Telegraph Corps, Civil War, and pay him a pension at the rate of $50 per month.

The name of Susannah E. Tennison, widow of David Tennison, late of Company B, Phelps's regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William B. Haring, late of John S. Crain's regiment Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Virginia Whitehead, widow of James W. Whitehead, late of Company F, Fourteenth Regiment Missouri State Volunteer Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Gleason, widow of Benjamin C. Gleason, late of Battery B, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Abbie A. Abbott, ——— late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriett Lemmons, widow of Jacob Lemmons, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen F. Richards, widow of Thomas A. Richards, late of Company —, commissary sergeant, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara Bell Mathews, widow of William J. Mathews, late of Company —, United States Military Telegraphers Corps, during the Civil War, and pay her a pension at the rate of $30 per month.

The name of Martha Eldora Arnett, former widow of Lindley Arnett, late of Company K, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza F. Moran, widow of Alexander Moran, late of Company G, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha E. Irwin, widow of John M. Irwin, late of Company A, Twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie W. Averill, widow of William R. Averill, late of Company I, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara H. Morgan, widow of Albert W. Morgan, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah H. Morton, widow of Mark Pease Morton, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hattie L. Cram, widow of Leander E. Cram, late of Company E, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosa Gately, widow of Thomas Gately, late of Company I, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Julia Churchill, widow of James F. Churchill, late of Company D, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Absolom B. Colkitt, helpless and dependent child of Alexander Colkitt, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Jennie Waldron, widow of Samuel C. Waldron, late of Company A, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Georgie E. Keenan, widow of Samuel R. Keenan, late of Company A, First Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minna L. Waldron, widow of Henry O. Waldron, late of Company C, Fourteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Sheridan, widow of James Sheridan, late of Company K, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia F. Pease, widow of Francis Pease, late of Company I, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of A. K. V. Hull, late of United States Military Telegraphers Corps of Civil War, and pay her a pension at the rate of $50 per month.

The name of Sarah C. Kikendall, widow of John S. Kekendall, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Eliza Wilson, widow of William Joseph Wilson, late of Company K, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Kidd, widow of James Kidd, late of Unassigned Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sara F. Waid, widow of George A. Waid, late of Company C, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen Sullivan, widow of Michael Sullivan, late of Company M, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura B. Pogue, widow of John W. Pogue, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarence W. Jones, helpless son of Nelson Jones, late of Company C, One hundred and thirty-sixth Regiment Indiana , and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Walter Hawkins, helpless child of Wesley Hawkins, late of Company F, One hundred and forty-second Regiment Illinois Infantry, and pay him a pension at the rate of $20 per month.

The name of Margaret E. Speed, widow of Sidney A. Speed, late of the Eighteenth Independent Battery, Regiment Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fredericka S. Albee, widow of George E. Albee, late of Company G, First Regiment United States Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

to commence May 24, 1928, inadvertently left out of bill approved last session.

The name of Debbie Beebe, widow of Byrum N. Beebe, late of Company D, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henriett B. Doak, former widow of James C. McDowell, late of Company F, First Regiment Ohio Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Coral Mahr, helpless child of John M. Mahr, late of Troop A, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Edith Vanforth, widow of George O. Vanforth, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Huffaker, widow of Lewis A. Huffaker, late of Captain Smith's company, Utah Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah T. Wilburn, widow of James M. Wilburn, late of Company D, Sixty-third Regiment Indiana Infantry, and pay her a pension at the rate of $30 per month.

The name of Clarissa Jane Snider, widow of Francis M. Snider, late of Captain Thomason's Stoddard and Dunklin Counties company Missouri Volunteer Militia, and pay her a pension at the rate of $30 per month.

The name of Emily J. Martin, widow of Albert J. Martin, late of Capt. John R. Cochrans's company, Six Months Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Hahs, widow of Henry Hahs, late of Captain Tackes's company, Six Months Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Annie Benton, widow of Calvin R. Benton, late of the Twenty-first Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Lydia A. Hunt, widow of Aquilla Hunt, late of Troop L, First Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida Annette Dixon, widow of Edward H. Dixon, late of Company F, Sixtieth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy J. Graves, widow of Thomas J. Graves, late of Troop I, First Regiment Kentucky Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melissa F. Morris, widow of Walter M. Morris, late of Troop E, Third Regiment West Virginia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nannie G. Cook, widow of Perry T. Cook, late of Company E, One hundred and seventy-fifth Regiment Ohio Infantry, and pay her a pension at the rate of $30 per month.

The name of Emeline Riddle, widow of Joseph C. Riddle, late of Troop J, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clarissa M. Heaston, former widow of John McKinney, late of Company A, Third Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ada Beecher, widow of Jacob S. Beecher, late of the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma D. Walker, widow of Samuel C. Walker, late of Company E, Twelfth Regiment West Virginia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret A. Carey, widow of Thomas B. Carey, late of Company H, Sixteenth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia F. Smith, widow of Dudley F. Smith, late of Company B, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma B. Patterson, widow of Ancil H. Patterson, late of Company C, Eighth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Silas N. Todd, alias Newton J. Todd, late of Company D, One hundred and fifty-sixth Regiment Indiana Infantry, and pay him a pension at the rate of $50 per month.

The name of Lizzie E. Kizer, widow of James Kizer, late of Troop F, First Regiment Illinois Cavalry, and pay her a pension at the rate of $30 per month.

The name of Emily Fisher, helpless child of William J. Fisher, late of Companies E and D, Seventh Regiment Massachusetts Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia A. Parsons, widow of George C. Parsons, late of Battery G, First Regiment New Hampshire Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances M. Tripp, widow of John W. Tripp, late of Company C, Fifth Regiment Rhode Island Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth E. Harriman, former widow of Josiah D. Hines, late of Company C, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Leeder, widow of Charles Leeder, late of Company C, Eleventh Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Matilda Spain, widow of Abraham Spain, late of Company C, Twenty-third Regiment Wisconsin Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Mudgett, widow of George E. Mudgett, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Irma Crow, helpless child of Samuel B. Crow, late of Company E, Ninetieth Regiment Ohio Infantry, and pay her a pension at the rate of $20 per month.

The name of Aurelia M. Power, widow of Benjamin F. Power, late of Company C, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Tarbutton, widow of Eli Tarbutton, late of Company E, Fifth Regiment Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia Ann Collins, widow of George Collins, late of Troop F, Sixth Regiment West Virginia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary R. Wood, widow of Marcus D. Wood, late of Company C, Fourteenth Regiment Missouri Infantry, and pay her a pension at the rate of $30 per month.

The name of Abigail J. Barton, former widow of John Shute, late of Troop D, Second Regiment Pennsylvania Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Cox, widow of Ulysses D. Cox, late of Company H, One hundred and twenty-third Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy M. Montrose, widow of Henry W. Montrose, late of Company B, Seventh Regiment Iowa Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Hopkins, former widow of George P. Benton, late of Company D, Forty-seventh Regiment Iowa Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cordelia Cummins, widow of Warren Cummins, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise Koch, widow of John Koch, alias Phillip Wagner, late of Company K, Seventh Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary L. Tanner, widow of Wallace A. Tanner, late of Company C, Eighty-ninth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie L. Herbert, former widow of Henry Williams, late of Company F, Forty-third Regiment United States Colored Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie E. Edwards, widow of Theophilus R. Edwards, late of the Sixteenth Battery, Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret E. Roseboom, widow of Howard Roseboom, late of Company G, Ninety-fourth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet A. Shea, widow of Edward Shea, late of Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Hoffman, widow of John S. Hoffman, late of Company G, Twenty-sixth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Flora Rotzler, helpless child of Fred Rotzler, late of Company K, Thirty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of $20 per month.

The name of Esther A. Colwell, widow of William T. Colwell, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lena Lenning, widow of John Lenning, late of Company H, One hundred and fiftieth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Etta Brown Linn, widow of Arthur Linn, late of Company H, Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fannie Bonk, widow of Geike Johnson Bonk, late of Company F, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Cataret, widow of Exzivia Cataret, late of Company F, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora B. Keltner, widow of Robert O. Keltner, late of Troop C, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nannie Curry, widow of George W. Curry, late of Troop L, Thirteenth Regiment Kentucky Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rue S. Donnohue, widow of Joseph M. Donnohue, late of Company K, Sixteenth Indiana Infantry, and Company A, Seventy-eighth Regiment Indiana Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lydia Keatley, widow of John H. Keatley, late of Company A, One hundred and twenty-fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie A. Riggs, widow of James S. Riggs, late of Company F, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now reeciving.

The name of Elizabeth S. Barker, widow of Timothy B. Barker, late of the Ninth Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emilie M. Boyle, widow of George A. Boyle, late of Battery C, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John Whyte, late of Troop M, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Retta L. Pennington, widow of Josiah Pennington, late of Company C, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Williamson, widow of Randolph F. Williamson, late of Company I, Tenth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan A. Miller, widow of David P. Miller, late of Company A, One hundred and sixty-third Regiment Ohio Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie M. Quinlen, widow of John P. Quinlen, late of Troop F, Ninth Regiment Iowa Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen L. Sarver, widow of William F. Sarver, late of Company A, Second Regiment United States Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen Bruner, widow of John J. Bruner, late of Company G, One hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clyde Woodson, helpless child of John M. Woodson, late of Company B, Eighty-second Regiment, and Company C, Twenty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Susan H. Parker, widow of Hollan N. D. Parker, late of Company C, Thirty-fifth Regiment New York Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 2204) to amend section 284 of the Judicial Code of the United States was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserves, and Marine Corps Reserve was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

DENTAL CORPS, UNITED STATES NAVY, RETIREMENT

The bill (H. R. 12879) to repeal section 1445 of the Revised Statutes of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1445 of the Revised Statutes of the United States is hereby repealed.

SEC. 2. Section 1444 of the Revised Statutes of the United States is hereby amended to read as follows:

"When any officer below the rank of vice admiral, including any officer of the Dental Corps, is 64 years old, he shall be retired by the President from active service: *Provided*, That the retirement of officers at the age of 64 years subsequent to August 29, 1916, is hereby validated."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 13414) to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. REED of Pennsylvania. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES E. JENKINS

The bill (S. 1338) for the relief of James E. Jenkins was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$114" and to insert in lieu thereof "$69"; and on line 7, after the word "expended," to strike out the words "for clerical assistance," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $69 to reimburse him for money necessarily expended for medical services rendered Indian children under authority of the Bureau of Indian Affairs, and for drinking water at the Reno, Nev., office of said bureau.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUNDS OF TAXES

The bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. SMOOT. Mr. President, I want to ask the Senator from Tennessee [Mr. MCKELLAR], who introduced this bill, if he will not allow it to go to the Finance Committee. The whole subject has been handled by that committee. The matter was first considered in connection with a revenue bill, and it affects the revenues of our country.

Mr. MCKELLAR. I will let it go over to-day, and will confer with the Senator about it.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

E. L. F. AUFFURTH

The bill (H. R. 5953) for the relief of E. L. F. Auffurth and others was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAY ERNEST SMITH

The bill (H. R. 9509) for the relief of Ray Ernest Smith was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARL HOLM

The bill (H. R. 10974) for the relief of Carl Holm was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States was announced as next in order.

Mr. CARAWAY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 4125) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That chapter 15 of the Code of Law for the District of Columbia is hereby amended by striking out the provisions of said chapter in entirety down to subchapter 1 thereof and substituting in lieu thereof the following:

"CHAPTER XV

"CONDEMNATION OF LAND FOR PUBLIC USE

"SEC. 483. Land for District of Columbia: Whenever land in the District is needed by the commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of said District authorized to negotiate for the same, application may be made to the Supreme Court of the District by petition in the name of said commissioners for the condemnation of said land or said right of way and the ascertainment of its value.

"SEC. 484. Petition; what to show: Such petition shall contain a particular description of the property selected, with the names of the owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

"SEC. 484a. The jury commission of the District of Columbia shall prepare a special list of persons having the qualifications of jurors, as prescribed by section 215 of this code, and being also freeholders of the District of Columbia. The jury commission shall from time to time as may be necessary write the names contained in said special list on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a special box to be provided for the purpose, and shall thereupon seal and lock said special box, and after thoroughly shaking the same shall deliver it to the clerk of the Supreme Court of the District of Columbia for safe-keeping; but the same shall not be unsealed or opened except by said jury commission. From time to time, as ordered by the Supreme Court of the District of Columbia, or one of the justices thereof holding a special term for the trial for condemnation proceedings, the jury commission shall publicly break the seal of said special box and proceed to draw therefrom by lot and without previous examination the names of such number of persons as the said court may from time to time direct to serve as jurors in condemnation proceedings, and certify the names so drawn to the clerk of said court. At the time of each drawing of condemnation jurors from said special box there shall be in said special box the names of not less than 100 persons possessing the qualifications hereinbefore prescribed. Except as in this section specially provided, sections 198 to 217, inclusive, of this code, so far as the same may be applicable, shall govern the qualifications of said jurors in condemnation cases and the duties and conduct of said jury commissioners under this section. No person shall be eligible to serve as a condemnation juror who has served as such juror within one year.

"SEC. 485. Citation to owners: The said court, holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a jury of five capable and disinterested persons, to which jury the court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned and are not related to the parties interested therein, and that they will, without favor or partiality, and to the best of their judgment, appraise the value of the respective interests of all persons concerned in such lands.

"SEC. 486. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power and authority to pass upon any such objection and to excuse any juror or cause any vacancy in the jury, when empaneled, to be filled; and after the jury shall have been organized and shall have viewed and examined the land and premises affected by the condemnation proceeding, they shall proceed, in the presence of the court, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceeding. When the hearing is concluded, the jury, or a majority of them, shall return to the court, in writing, their appraisement of the value of the interests of all persons, respectively, in such land where said appraisement shall be recorded. In making their decision the jury shall take into consideration, whenever a part only is taken, the benefit to the remainder of the tract, and shall give their appraisement accordingly.

"SEC. 487. The said court shall hear and determine any objections or exceptions that may be filed to any appraisement of the jury and shall have the power to vacate and set any appraisement aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed as in the case of the first jury: *Provided*, That if vacated in part the residue of the appraisement as to the land condemned shall not be affected thereby: *And provided further*, That the objections or exceptions to the appraisement shall be filed within 20 days after the return of the appraisement to the court: *And provided further*, That the appraisement of the new jury shall be final when confirmed by the court.

"SEC. 488. If the appraisement of the jury should not be objected to by the parties interested, it shall be confirmed by the court, or, if the appraisement of the new jury is confirmed by the court, the commissioners of said District shall pay the amount awarded by the jury out of the appropriation made therefore or deposit the same in the same manner as directed in section 491n of said Code of Law, and thereupon the land condemned shall become and be the property of the District.

"SEC. 489. In every case involving the condemnation of land in the District of Columbia, at the close of the hearing thereof, the court shall fix a time in which the jury shall return its verdict or to report to the court the reasons why said verdict or appraisement can not be returned by the time fixed: *Provided*, That the court shall have the power, within its discretion, to extend the time for the return of the verdict or appraisement.

"SEC. 490. It shall be optional with the commissioners to abide by the verdict of the jury and occupy the land appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the same, without being liable to damage therefor.

"SEC. 491. Nothing herein contained shall affect any suit or proceeding heretofore begun, now pending, or hereafter to be instituted by or on behalf of the United States for the condemnation of land for any purpose; but all such suits and proceedings shall be conducted in accordance with existing law or such laws as hereafter may be enacted."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF HAY GROWERS OF TEXAS

The bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex., was announced as next in order.

Mr. PHIPPS. Mr. President, that seems to be an important bill involving over $200,000. Let it go over.

Mr. SHEPPARD. Mr. President, in view of the objection I shall not ask for consideration of the bill this morning, but I ask that objection be withheld in order that I may offer an amendment. I do not believe that there will be any objection to the amendment. It limits attorneys' fees in connection with the claim. I ask for the adoption of the amendment.

Mr. BRUCE. What is the nature of that bill?

Mr. SHEPPARD. I do not ask for its consideration.

The PRESIDING OFFICER. The Senator from Texas asks for the consideration of the amendment before the bill goes over. The clerk will report the amendment.

The CHIEF CLERK. Strike out the period at the end of the bill and insert in lieu thereof a colon, and the following:

Provided further, That no part of the amount of any item appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. JONES. Mr. President, I think the amendment should be pending.

The PRESIDING OFFICER. Under objection, the amendment will go over.

Mr. BRUCE. What is the nature of the bill?

Mr. SHEPPARD. It is not the bill, it is an amendment that is now being considered.

The PRESIDING OFFICER. The amendment and the bill will go over, under objection.

Mr. SHEPPARD. The amendment will be pending?

The PRESIDING OFFICER. The amendment will be pending.

FISH CULTURE IN IDAHO

The bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY PINCUS

The bill (H. R. 6704) for the relief of Harry Pincus was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERTRAM LEHMAN

The bill (H. R. 6350) for the relief of Bertram Lehman was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT FAUSTINA AND JOHN ALEXANDER

The bill (H. R. 7411) for the relief of Gilbert Faustina and John Alexander was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEO SCHEUREN

The bill (H. R. 10125) for the relief of Leo Scheuren was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORETTA PEPPER

The bill (H. R. 10126) for the relief of Loretta Pepper was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPLOSION AT NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

The bill (H. R. 12236) to provide an appropriation for the payment of certain claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, I think the bill should be explained.

Mr. EDGE. Mr. President, if I may have an opportunity briefly to explain it, the bill provides for the payment of the award which has been allowed by the Navy Department and the accounting department, amounting to $216,528.49, providing payment for personal injury and property damage because of an explosion at Lake Denmark at the naval ammunition depot, several years ago.

Mr. McKELLAR. Mr. President, may I ask the Senator if the bill includes all the claims?

Mr. EDGE. No; it does not include all the claims, but merely the claims which the accounting department has passed upon. It is approved by the accounting department and approved by the Navy Department, and has the unanimous support of the subcommittee of the Committee on Claims.

The people involved have been without any remuneration for over two years. The bill has the unanimous approval of all the departments and committees having responsibility.

Mr. ROBINSON of Arkansas. Mr. President, on the statement made, I think the bill should pass.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 5, to strike out "$161,622.10" and insert in lieu thereof "$216,528.49"; on page 2, line 5, after the word "session," to insert the words "and House Document Numbered 310, Seventieth Congress, first session"; and in line 8, after the numerals "1800," to insert the following proviso:

Provided, however, That should any of the civilian claimants in the above-mentioned documents decline to accept in full settlement the amounts so recommended, the Secretary of the Navy is hereby authorized and directed to reopen and reinvestigate such claims and transmit each such claim with supporting papers and a report of his findings of facts and recommendation to the Comptroller General of the United States who shall award the claimant or claimants such amount or amounts as he shall adjudge fair and just, according to the said act of March 2, 1927 (44 Stat. pt. 3, p. 1800).

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $216,528.49, or such portion as may be necessary, to enable the Comptroller General of the United States to make payment of claims in full settlement for property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, to the respective persons and in the respective amounts as recommended by the Comptroller General of the United States, and as fully set forth in House Document No. 202, Seventieth Congress, first session, and House Document No. 310, Seventieth Congress, first session, pursuant to the act of March 2, 1927 (44 Stat. pt. 3, p. 1800): *Provided, however,* That should any of the civilian claimants in the above-mentioned documents decline to accept in full settlement the amounts so recommended, the Secretary of the Navy is hereby authorized and directed to reopen and reinvestigate such claims and transmit each such claim with supporting papers and a report of his findings of facts and recommendation to the Comptroller General of the United States, who shall award the claimant or claimants such amount or amounts as he shall adjudge fair and just according to the said act of March 2, 1927 (44 Stat. pt. 3, p. 1800).

The amendments were agreed to.

Mr. OVERMAN. Mr. President, what is the reason for the increase in the amount allowed from $161,000 to $216,000?

Mr. EDGE. For the reason that a number of additional claims have been allowed by the Navy Department between the time the bill was introduced in the House at the last session of Congress and the present time. It is all covered in the report as an additional allowance because of additional claims approved.

Mr. OVERMAN. Presented and approved by the Navy Department?

Mr. EDGE. Yes.

Mr. McKELLAR. Can the Senator give any information with reference to how many other claims there may be?

Mr. EDGE. The report says there are, I believe, still 47 claims pending on which they have not had opportunity to make a complete examination.

Mr. WALSH of Montana. Mr. President, there is no report in my file. I want to inquire of the Senator if it is conceded on the part of the Government that there is liability?

Mr. EDGE. As a matter of fact I can not answer that directly. Of course, the causes of the explosion have never been successfully established, but the Navy Department after long inquiry, which the Senator may recall, decided without question that the personal and property damage to those who resided around the reservation, as recommended by their representatives, should be paid. Congress enacted the necessary legislation instructing the Navy Department to make the investigation and report the total of the awards.

Mr. WALSH of Montana. Let us suppose the explosion was occasioned by a bolt of lightning that struck the arsenal.

Mr. EDGE. After thorough and complete inquiry on the part of the Navy Department that possibility was never established.

Mr. WALSH of Montana. I merely instance that as one of any number of causes which might have occasioned the explosion without any kind of responsibility upon the part of the Government of the United States. I would like to know what is the basis upon which we are going to pay the property owners and those suffering losses in the various amounts involved?

Mr. EDGE. Mr. President, the Senator from Arkansas [Mr. CARAWAY] was a member of the subcommittee, and he can no doubt answer the Senator from Montana much better than I could.

Mr. CARAWAY. Mr. President, the liability was fixed by the department against the Government and has never been disputed by anyone. Congress enacted a law authorizing us to make the investigation as to the amounts the various people were entitled to receive.

Mr. FLETCHER. It was determined that there was foundation for the claims?

Mr. CARAWAY. There is no doubt about it.

Mr. FLETCHER. Was it referred to the Navy Department to ascertain the amount of the damages and then submit it to the Congress?

Mr. CARAWAY. I do not so understand. I do not think there is any question as to liability. I do not see how there could be.

Mr. WALSH of Montana. Apparently the liability of the Government has been conceded by the department, but I would

like to know whether that was conceded out of possibly the persuasive eloquence of the Senator from New Jersey or whether there was some foundation in fact for the conclusion that the Government was liable?

Mr. CARAWAY. I do not think there could be any shadow of doubt about the liability. I think it is conceded by everybody.

Mr. WALSH of Montana. Can the Senator tell us what is the basis of the concession?

Mr. CARAWAY. I do not have it now in mind, as it has been some time since I have had active connection with the matter. It came to the committee and was agreed upon, and the legislation was recommended and enacted providing for the investigation, and it then came back for this settlement. As to the method by which they computed the damage I can not enlighten the Senator. For instance, where one was injured personally, I understand they allowed him the amount of his doctor bills and his lost time, but allowed him nothing for his pain and suffering. I think they have been entirely too strict, and I think the settlement is made to the advantage of the Government and against the people who suffered the injuries and the loss of property.

Mr. EDGE. May I call the attention of the Senator from Montana again to the fact that on March 2, 1927, a bill passed by Congress was approved by the President instructing the Navy Department to make the investigation, apparently assuming the responsibility. The bill now before the Senate is the result of such investigation ordered by the Congress.

Mr. WALSH of Montana. That does not enlighten me as to the situation. Congress directed an investigation into the amount of damages which had been sustained and a report on that investigation has been made. It is reported that so much is due. Now, the question arises as to whether we should authorize the payment, and in order to do so it did seem to me we should have some kind of information indicating why the Government is in any way liable.

Mr. EDGE. The committee and the board of inquiry, as set forth in the report, raise no question as to the liability.

Mr. WALSH of Montana. But they were not called upon to investigate the question as to whether the Government was or was not liable. They were simply called upon to investigate the amount of damages.

Mr. EDGE. Will the Senator from Montana advise me how it would be possible for us to decide, after the inquiry had been completed and report made, whether it was an act of the Almighty through a bolt from heaven or because of the carelessness of some particular individual employed by the Government?

Mr. WALSH of Montana. If that question had been investigated by any judicial or other tribunal, of course, they would make a report to us giving us the facts, showing that there was liability upon the part of the Government of the United States.

Mr. EDGE. In my judgment the report fully sets forth the liability.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval amunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases."

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

The bill (H. R. 11725) for the apportionment of Representatives in Congress was announced as next in order.

Mr. BLEASE. Let the bill go over.

Mr. VANDENBERG. Mr. President, I move that the bill be taken up for consideration, if the motion is in order.

The PRESIDING OFFICER. The motion is in order.

Mr. VANDENBERG. On my motion, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN] which I transfer to the Senator from Kentucky [Mr. BARKLEY] and vote "nay."

The roll call was concluded.

Mr. MOSES. I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, I transfer that pair to the junior Senator from West Virginia [Mr. GOFF] and vote "yea."

Mr. ROBINSON of Arkansas. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON] is necessarily detained on official business. If present, he would vote "nay."

Mr. SHEPPARD. I desire to announce that the Senator from West Virginia [Mr. NEELY], the Senator from Arkansas [Mr. CARAWAY], the Senator from Louisiana [Mr. BROUSSARD], and the Senator from New Jersey [Mr. EDWARDS] are detained on official business.

Mr. ROBINSON of Arkansas. I desire to announce that the junior Senator from Utah [Mr. KING] is unavoidably detained by illness.

Mr. SMITH (after having voted in the negative). I rise to inquire if the Senator from Indiana [Mr. WATSON] has voted?

The VICE PRESIDENT. He has not voted.

Mr. SMITH. I have a general pair with that Senator, which I transfer to the junior Senator from Utah [Mr. KING], and allow my vote to stand.

Mr. JONES. I desire to announce the necessary absence of the Senator from New Mexico [Mr. LARRAZOLO] due to illness. He has a general pair with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 53, nays 23, as follows:

YEAS—53

Ashurst	Gillett	Moses	Thomas, Idaho
Bingham	Glenn	Norris	Thomas, Okla.
Blaine	Gould	Nye	Trammell
Bruce	Hale	Oddie	Tydings
Burton	Hastings	Overman	Vandenberg
Capper	Hayden	Phipps	Wagner
Copeland	Johnson	Pittman	Walsh, Mass.
Couzens	Jones	Reed, Pa.	Walsh, Mont.
Curtis	Kendrick	Schall	Warren
Deneen	Keyes	Sheppard	Waterman
Dill	McMaster	Shortridge	Wheeler
Edge	McNary	Simmons	
Fess	Mayfield	Smoot	
Fletcher	Metcalf	Steiwer	

NAYS—23

Bayard	George	McKellar	Smith
Black	Glass	Norbeck	Steck
Blease	Greene	Ransdell	Stephens
Brookhar	Harris	Reed, Mo.	Swanson
Dale	Hawes	Robinson, Ark.	Tyson
Frazier	Heflin	Sackett	

NOT VOTING—19

Barkley	Edwards	King	Pine
Borah	Gerry	La Follette	Robinson, Ind.
Bratton	Goff	Larrazolo	Shipstead
Broussard	Harrison	McLean	Watson
Caraway	Howell	Neely	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11725) for the apportionment of Representatives in Congress.

Mr. VANDENBERG obtained the floor.

Mr. EDGE. Mr. President, will the Senator from Michigan yield to me?

Mr. VANDENBERG. I yield to the Senator from New Jersey.

Mr. EDGE. Mr. President, now that the Senator from Michigan has been able to have his bill placed before the Senate upon motion, which motion, I may say, I supported, I am going to ask him if he will permit unanimous consent that we revert to Calendar No. 785, being the joint resolution (S. J. Res. 117) authorization an investigation and survey for the Nicaraguan canal, with the understanding that if there shall be any objection I shall of course withdraw the joint resolution, and if there shall not be any objection, then, we may vote on the joint resolution and accomplish what we have been endeavoring to accomplish.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. VANDENBERG. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I feel that the reapportionment bill is of such importance that nothing should intervene until it shall have been acted upon. Therefore, I object to the request of the Senator from New Jersey.

Mr. VANDENBERG. Mr. President, I greatly appreciate the courtesy of the Senate in permitting me to make a statement about the pending reapportionment bill. I thoroughly understand the intent of the permission, and there is no possibility, I am well aware, of passing the proposed legislation in the remainder of the morning hour. My sole purpose is to present to the Senate and the country my conception of what I believe to be, without any possible chance for argument, the fundamental constitutional challenge that lies at the bar of the Senate of the United States at this time.

Mr. President, it has been my privilege to report from the Committee on Commerce a bill for the apportionment of Representatives in Congress. A significant subtitle might appropriately describe it also as a bill for the honest apportionment of presidential electors. But a still more pertinent and all-inclusive definition can proclaim it a bill to validate the Constitution of the United States.

In this latter character it could not be outweighed in importance by any other legislation pending in the forum of the Senate. Other matters may seem, in the vicissitude of the moment, more immediately necessitous. But in the last analysis the Constitution stands, or nothing else matters.

This is my justification for intruding upon the Senate's conscience at a time when so many other momentous problems clamor for attention. I feel honor bound and oath bound to put the issue to my colleagues. Under the rules of the Senate and in consideration of present and prospective congestion on the calendar, I am forced to make my own opportunity for this presentation. I am persuaded that the issue warrants my action. When great States and great constituencies are outrageously victimized in their fundamental rights by the congressional evasion of basic and mandatory constitutional responsibilities, I am persuaded that the Senate will first condone and then welcome what otherwise it might classify as intrusion upon the regular order of business. Nothing can be paramount to the Constitution.

I listened within the past few days to an illuminating debate dealing with the necessity in many senatorial minds of finding new ways to bring the Nation into harmony with the eighteenth amendment to the Constitution. There have been many formulas proposed by distinguished gentlemen in the last few months for the purpose of attaining the same end. One proposes a $25,000 reward for the best means for enforcing prohibition; another offers $25,000 for the best formula for repealing prohibition. In my judgment, Mr. President, the formula this Nation needs is not for enforcement or repeal, but a formula that shall reevangelize the American people into an understanding that everything we have and are and can ever hope to be is dependent upon constitutional sanctity, and none of us can choose which section of the Constitution we shall honor and which section we shall scorn.

Mr. BRUCE. Mr. President——

Mr. VANDENBERG. Mr. President, I am very sorry I can not yield to the Senator from Maryland. I am anxious to conclude before the hour of 2 o'clock, and I do not propose to be detoured into a discussion of prohibition.

Mr. BRUCE. I merely desire to ask the Senator from Michigan a question.

Mr. VANDENBERG. I decline to yield, Mr. President.

Mr. BRUCE. Very well.

Mr. VANDENBERG. I raise the point solely to say that impulse and example in high places in our Government are the best factors of which I know for encouraging constitutional fidelity in the body of the Nation, and I find no such example, I find no such impulse when I confront the fact that for eight years a fundamental challenge at the very root source of constitutional guarantees has been ignored and evaded in these halls. I shall be as brief and concise as possible in presenting this issue. My sole purpose is to acquaint the Senate with the contents and the objectives of House bill 11725 and to amplify Report No. 1446, which has been filed with the Senate.

Mr. President, this is a measure passed on January 11 by the House of Representatives and reported without amendment to the Senate on January 15. It sets up a just rule for the reapportionment of the House, with a maintained limit of 435 Members, on the basis of the 1930 census. It seeks to protect this approaching census against a contemptuous repetition of eight years of failure or refusal to put the 1920 census to its mandatory constitutional usages. Thereby it seeks to order constitutional justice as between the States of the Union and to guarantee a cure for the insufferable trespass of nearly a decade past. It is an insurance policy covering the constitutional rights of the American people.

In order that interested Senators may not break my sequence I state at the outset the six phases of the problem which I shall treat. Thus, perhaps, any interrogatories may await their particular target, and I shall be glad to be interrupted at any time in respect to any of these concerns.

I shall briefly discuss:

First. The basic constitutional challenge as it confronts this Senate.

Second. The effect upon the Electoral College if nullifying contempts persist.

Third. The effect on seats in the House of Representatives.

Fourth. The wise decision to limit the size of the House to 435 Members.

Fifth. The proposed delegation of ministerial power to the Secretary of Commerce in the event any decennial Congress fails to act independently as the spirit of the Constitution requires.

Sixth. The use of the so-called "system of major fractions," which is involved in the mathematical problem of this hour.

These are the pertinent factors upon which the Senate must inform itself—if, indeed, it is not already informed beyond my powers of added illumination—in concluding that it should give early and decisive approval to this bill to validate the Constitution of the United States. So I hasten to pursue this schedule, always addressing the one objective, namely, that past defaults, which have been variously branded as "brazen defiance," as "tyranny in the raw," and as "insufferable political selfishness"—to borrow a few of the less invidious epithets—shall come to an end here and now.

CONSTITUTIONAL DUTY

Our first logical consultation in any matter of constitutional concern is the great charter itself. Therefore I ask the Senate to turn to Article I, and to turn there, I regret to observe, for the first time since August 8, 1911, when the last reapportionment act became a law. The very numeral which identifies the article is significant. It is No. 1. It is, in other words, the base, the starting point, the genesis, whence rises the entire subsequent structure of the Republic. No. 1 means No. 1—not only No. 1 in the foundation layers of the Constitution but No. 1 in the constitutional responsibilities of a faithful Congress. Omitting detail, here is this No. 1 mandate in the Constitution of the United States:

> Representatives * * * shall be apportioned among the several States * * * according to their respective numbers. * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years * * *.

Mr. President, in the face of this mandatory language, particularly when it is read in the light of the vivid debates out of which it sprang, I can not see any rational escape from the conclusion that a regular decennial census and a regular, sequent, decennial reapportionment is the paramount constitutional responsibility resting upon Senators who take a special, and presumably binding, oath to support and defend this primary instrument of American Government. I should let this rest as an axiom were it not for the fact that it has been strangely attacked by some time arguments which have tried to chisel the mandatory challenge out of it, and were it not for the even more aggravating constitutional contempts which contemporaneously have spurned and flaunted and nullified it for the past eight sterile years.

Once more, note the precise language: "Actual enumeration shall"—not may—"be made within every term of 10 years" and "Representatives shall"—not may—"be apportioned among the several States according to their respective numbers."

If this language means anything at all, Mr. President, it means that there should have been a 1920 census—which there was—and an immediate reapportionment based thereon—which there was not, and which there has not been from that day to this. Such a lapse, I submit, raises what ought to be a question of constitutional privilege in the Senate when, at last, we are invited by the House of Representatives to join it in a warranty that 1930 shall be guaranteed against a renewal and a perpetuation of this constitutional affront, which popular complaisance will not much longer tolerate.

Does the Constitution require decennial census and prompt reapportionment based thereon? It does, not only in its letter but also in its spirit. Here are my reasons:

I rely first upon a reasonable construction of the actual language: "Enumeration shall be made" and "Representatives shall be apportioned." I rely, secondly, upon the expressed intent of the framers—the authors of this language—which may not be binding testimony in a court of law, but which is binding testimony in the court of public opinion.

The constitutional convention of 1787 almost broke upon the problem of representation. It resolved its hazardous perplexity by establishing a Senate in which every State, regardless of population, has equal voice, and a House of Representatives in which every unit of population is intended to have equal voice, regardless of its distribution as between States. The convention intended that one rule should be as sacred as the other, even though it threw extra protection around the smaller State and its right to two Senators. Indeed, the very fact that the less populated State has this special constitutional protection ought to emphasize the impropriety of any complaint upon its part when the more heavily populated State asks for its constitutional rights in the House of Representatives. Indeed, the heinous crime of attempting to reduce the constitutional representation

of a State in the Senate would be no greater ravishment of the theory of the Constitution than is the crime of robbing some other State of its constitutional representation in the House of Representatives. The former infringement would produce revolution. The latter, however, is supposed to produce only passing protest. What a tragic paradox!

I said I rely for my constructions upon the intent of those great men who framed the Constitution. James Madison declared to the convention that the States "ought to vote in the same proportion in which their citizens would do if the people of all the States were collectively met." His Virginian colleague, Mr. Randolph, proposed the census for the express purpose of creating an enumeration out of which equitable reapportionment should flow, and time and again he warned against the iniquity of permitting any divorce between these functions. Mr. Hugh Williamson, of North Carolina, declared it would be "the duty of the legislature to do what is right" in this respect, and that it could not be "at liberty to do or not to do it."

I shall not trespass with needless multiplication of these exhibits. Suffice it to add that the great Mr. Justice Story later declared that decennial reapportionment is "a duty positively enjoined by the Constitution." I believe it has been correctly said in a previous congressional report upon this subject that "the founders of our Government would have been amazed at a situation in which a population three times the population which existed at the time of the adoption of the Constitution is denied fair and equitable representation in the House of Representatives."

This leads me to my third reliance, when I declare that congressional failure to reapportion is an ugly constitutional default which the Senate should cure in this session, now that it is challenged by the House to do so, regardless of whether it does another single thing between now and the 4th of March, when a President will be inaugurated whose credentials spring from an Electoral College not constitutionally constituted because of this same poison at the well-springs of the American system. My third reliance is the existing fact of representative inequalities which make a travesty out of those pretended equalities which no man will deny that the Constitution presumably preserves.

The last apportionment in 1910 embraced 91,000,000 people. The 1920 census reported 105,000,000 people. The 1930 estimate is, speaking roundly, 123,000,000 people. The difference between 1910 and 1930 is 32,000,000 people. These latter people to-day are virtually disfranchised. The congressional structure made to fit 91,000,000 people is serving 123,000,000 people. Nothing could be more grossly un-American. Nothing could do greater violence to fundamental rights supposedly established in 1776 and supposedly stabilized in 1787.

I do not intend to permit invidious comparisons to intrude upon this argument. I hope I should be making the same argument if my own State of Michigan were one of the beneficiaries of this lapse instead of one of the chief victims. But, Mr. President, I set it down here simply by way of illustration that there are three congressional districts in Michigan which together had a population of 1,400,000 back in 1920, and which to-day probably have a population of 2,500,000, an average of over 800,000 to a district, whereas there are many other districts in other States with not more than 160,000 people. There are as many as 1,500,000 people in one congressional district in California represented by one Congressman, whereas there are whole States elsewhere in the Union approximating 1,500,000 people with as many as six or seven or eight Congressmen.

Surely there is no need to prolong or multiply this prejudicial arithmetic. I but state the obvious. The records are familiar and well known; but they are no more familiar or better known than the plain fact that it has been our constitutional duty for eight years to correct them, and that we dare not longer deny a prospective correction when it is now offered to us by the House itself. I repeat that it must have been the mandatory intent of the framers of the Constitution that this horrible travesty upon equality of representation never should persist. Temperate language can not assess the outrage.

One more—a fourth reliance—I submit in support of my constitutional interpretation.

Precedent and practice have something to do with the fixation of constitutional principles. From 1790 to 1910 Congress never permitted more than a maximum of two years to intervene between the completion of a census and its validation in a reapportionment. Frequently it has acted within one year. For 120 faithful years, in which constitutional oaths meant what they said, Congress never lapsed in this momentous duty. Then came the nullifying interlude. A sterile and deadly interim has evaded or ignored the plain and paramount mandate—mandate No. 1—in our great basic charter; and I am forced to put the chief responsibility where it belongs. It does not belong upon the House of Representatives. It belongs, let us confess, upon this Senate. The House did do its constitutional duty, entirely consonant with tradition, by promptly validating the 1920 census. It passed a reapportionment bill on January 19, 1921. This bill was received by the Senate on January 20, 1921, and sent to the then existing Census Committee. From that committee it never emerged alive. It was not embraced; it was embalmed.

I have found that many Senators have forgotten that dark entry on the record. I do not criticize them. It is not my right. The issue never was raised on the floor of the Senate; but such is the fact. I submit that it puts the Senate of to-day under special obligation to see to it that no legislative congestion upon the calendar or any other untoward event shall conspire to repeat such jeopardy to fundamental constitutional rights. Otherwise, we can not acquit ourselves of setting a dubious—yea, a lethal—example to a citizenship which must support and sustain the Constitution if our inheritance shall persevere.

All that we are, all that we have, all that we can ever hope to be, are finally dependent upon constitutional integrity. I have heard able Senators argue by the hour upon this floor over comparatively technical points of constitutional construction in a scrupulous effort to be meticulously faithful—technical points that have been as Greek to my layman's mind—technical points in law which there is a Supreme Court to decide. Surely they will not be less devoted when they confront a constitutional challenge so plain that a child can read and understand, yet a challenge upon which no Supreme Court can ever pass to protect the injured—a challenge resting wholly upon the conscience of this Congress.

I have been particularly struck by the observation upon this score of a distinguished Detroit jurist, Circuit Judge Alfred J. Murphy, who clearly labels failure to reapportion as a species of treason.

ELECTORAL COLLEGE

Here is another ominous consideration.

Mr. President, a just representation in the Electoral College is involved in a default in constitutional apportionment and this contemplation is quite as insufferable as the trespass upon congressional equities. Not only does a failure to reapportion pursuant to the mandate of the Constitution taint the validity of Congress; it also taints the validity of the Presidency itself. Thus does the challenge pyramid. We are indeed dealing with the well springs of republican institutions, the streams of which can rise no higher than their source. It is appalling that so vital a concern should have been even momentarily ignored. It is appalling that eight years should have come and gone—that four Congresses and two Presidents should have been chosen in the interlude without correction in this constitutional lapse. But it will be still more appalling if the Senate shall not now promptly join with the House, upon the latter's unselfish initiative, and bring this nullification to a decisive end. A jeopardized Electoral College is the final affront to constitutional integrity and ordered government.

The Senate is entirely familiar with the fact that presidential electors are apportioned to each State according to the combined number of their Senators and Representatives. Hence, ipso facto, if a State is robbed of its fair quota of Representatives, it is robbed of its fair quota of presidential electors. But let me remind you of the precise constitutional language upon this score. I am quoting Article II, section 1, paragraph 2:

> Each State shall appoint * * * a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

There is a grave question immediately raised as to the actual validity of a presidential election recorded through an Electoral College not composed of electors apportioned to the States according to the number of Representatives to which each State "may be entitled." Not the number of Representatives which each State actually has—do not neglect the exact language—but the number to which each State "may be entitled." Perhaps it will be replied that a State is "entitled" only to such a number of electors as it has been assigned by the process of law, however false to the Constitution the given law may happen to be. But it is not to be forgotten that when the junior Senator from Washington raised this point in a radio address last summer, there was widespread speculation over the baneful possibilities. No such defect could be successfully conjured when presidential results are as decisive as those of 1924 and 1928—I make this observation with entire sympathy for those upon the mourner's bench—but the fact remains that two Presidents have now been chosen out of Electoral Colleges in which many States have not had the voice to which they are "entitled" by the spirit, if not the letter, of the Constitution. If this infirmity persists until the presidential election of

1932, here will be a minimum of 23 misplaced electoral votes. Any time a President is chosen within the limits of these misplaced electoral votes—and it is interesting to note in passing that the presidential election of 1916 was determined by precisely this 23 margin—there is present the seed of trouble. Such a question never may be raised. But it is constitutional negligence to leave the question even remotely open.

Mr. President, we all remember historically the cataclysm that swept America in 1876, when a presidential election hung upon 1 electoral vote, and when the canvass had to be submitted to a special expedient branch of the American Government raised for that exigent purpose.

The late Vice President Thomas R. Marshall said to me that nothing prevented a second Civil War at that time except the selfless patriotism of Samuel J. Tilden. If we have behind us the unanswerable reminder that any doubt upon the validity of an electoral college can bring us that close to a breach, we are indeed negligent in a fundamental responsibility if we do not close the breach now that we have contemporary opportunity.

Mr. President, entirely regardless of the legal phase, the equitable phase is beyond palliation. Smaller States have their liberal right of spokesmanship protected by absolute and permanent equality in Senate membership. This in turn gives them a constitutionally sustained preference in the Electoral College under any circumstances. Again, merely for the purpose of illustration, let me point out that this gives Nevada one ultimate presidential elector for every 26,000 people, while the State of California, on the basis of 1930 estimates, will have but one presidential elector for every 365,000 inhabitants. I do not complain against this sort of seeming discrepancy so long as it is supported by constitutional warrant, and I heartily agree with the Constitution's theory that it takes something more than congested centers of concentrated population to make a nation. But after the smaller State has been freely and permanently awarded this tremendous advantage—this handicap allowance, as it were—I do most vigorously protest against a further allowance as a result of congressional indisposition to rectify the disparities disclosed by each succeeding census. It is not a pleasant task for the less populous States to give up an occasional Congressman, and thus also an occasional presidential elector, pursuant to constitutional order. But let the less populous States remember that they have special and peculiar protections embedded in this Constitution, and they should be the last to encourage any breach in the constitutional wall. This bill, while still leaving Congress to its own conscience in the first instance, puts an ultimate watchman on this wall and arms him with the power of vigilance if others sleep.

Just one more specific exhibit upon this particular score. If the existing apportionment were to persist into 1932, here are some figures that have been prepared to show relative discrepancies as between four States: Massachusetts will have one presidential elector for each 242,000 of its people; Texas will have one for each 281,000; Michigan will have one for each 317,000; and California will have one for each 365,000. The spread, in four States of comparable size, will be from a unit of 242,000 to a unit of 365,000.

If we reapportion on the basis that it is estimated this bill will work, the State of Massachusetts will have one for each 257,000 of its citizens; the State of Texas one for each 256,000; the State of Michigan and the State of California one for each 250,000 of their citizens. Under the present apportionment 123,000 more citizens are required to give California an electoral vote than in Massachusetts. Under the new system the entire range in those four States will be a matter of 7,000 citizens only.

I submit that this is a type of equity which the Senate must approve. We must be fair with each other, one State to another. We must accept our obligations as well as our privileges under the Constitution. Presidents and Congressmen must be chosen with a just regard for the constitutional rights of every State. They have not been for eight years. They will not be for an indefinite time to come if this bill is not passed by the Senate, because the practical fact is that no other bill can survive this session, and each succeeding session will face progressively multiplying obstacles, and every Senator familiar with the facts knows that both of these statements are absolutely true.

ESTIMATED EFFECT ON DISTRIBUTION OF REPRESENTATIVES

It is somewhat speculative to anticipate what the congressional effect of this bill will be on the basis of the 1930 census. The only possible prospectus is that of the Census Bureau itself, which prophesies a 1930 population of 122,537,000 for the purpose of this reapportionment. The population base in 1920 was 105,000,000. In 1910 it was 91,000,000.

The 1930 estimate may not be precise. But the Census Bureau is sufficiently accurate in its past performances to make the use of its figures reliable for present purposes.

On this base this bill will change 23 seats in the House of Representatives. Eleven States will gain. Seventeen States will lose. Twenty States will be unaffected.

I dislike, however, to discuss this bill in terms of "loss" and "gain." No State may truthfully be said to have "gained" anything when it merely stabilizes its equality of rights pursuant to the guarantees of the Constitution. No State may accurately be said to have "lost" anything when it settles back to a basis of constitutional equalities.

It is only the Constitution itself which "gains" or "loses" in this contemplation. It "gains" strength and stability when it is scrupulously obeyed and faithfully honored. It "loses" vitality and life when it is ignored or evaded—no matter how plausible the expedient excuse.

Perhaps there is still another "loss and gain," namely, in the prestige and dignity and honor of the Congress itself. We "gain" the respect of the Nation when we obey the instrument of which we are the oath-bound creatures. We proportionately "lose" when we are guilty of constitutional contempts against which the people cry out in protest and outrage.

I dare to believe that no Senator will vote upon this bill pursuant solely to the effect of its arithmetic upon his State. Any such opportunism would reduce constitutionalism to the basis of mere huckstering.

The prospective effect of this reapportionment is as follows. Eleven States gain as follows:

Arizona	1
California	6
Connecticut	1
Florida	1
Michigan	4
New Jersey	2
North Carolina	1
Ohio	3
Oklahoma	1
Texas	2
Washington	1

Seventeen States lose as follows:

Alabama	1
Indiana	2
Iowa	2
Kansas	1
Kentucky	2
Louisiana	1
Maine	1
Massachusetts	1
Mississippi	2
Missouri	3
Nebraska	1
New York	1
North Dakota	1
Pennsylvania	1
Tennessee	1
Vermont	1
Virginia	1

Twenty States are unaffected: Arkansas, Colorado, Delaware, Georgia, Idaho, Illinois, Maryland, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Oregon, Rhode Island, South Carolina, South Dakota, Utah, West Virginia, Wisconsin, and Wyoming.

Without intending invidious comparisons in any degree, an analyst is bound to emphasize the spectacular demonstration of constitutional fidelities made by the majorities in those House delegations from some States which will have fewer Congressmen as a result of the expected operations of this bill, yet which are recorded on this recent roll call in favor of the bill. They are from the States of Maine, Massachusetts, New York, and Pennsylvania.

SIZE OF THE HOUSE

This bill decides, at least for the time being, that the total membership in the House of Representatives shall not exceed the existing limit of 435. If it had nothing else in it the bill would be emphatically worthy and challenging upon this score alone. To register the decisive opinion of the present Congress that it is time to stop the everlasting expansion in House membership to suit mere political exigency would be a tremendous service to American institutions. One distinguished Member of this body told me recently that he thought efficiency and effectual democracy would be promoted if the limit could be set back to 200. In other words, he correctly distinguishes between quality and quantity in the measure of democracy. As practical men we must recognize the impossibility of any such present pursuit, however. If it has taken 8 years to get an agreement in the House to retain the existing limit, it would take 80 years to get an agreement for a large and revolutionary reduction. To defeat the attainable for the sake of straining for the unattainable would be a

distinct disservice to the Constitution and to the principle of limitation itself.

There is nothing sacrosanct about this number 435. It simply happens to be the contemporary limit upon which the House itself has taken a courageous stand, refusing all efforts to blow it higher. If the House, with the acute self-interest of its own Members at stake, is willing to register this principle of limitation, it would be a tragic lapse if the Senate should neglect or refuse to agree.

Heretofore the usual method for obtaining agreement to decennial reapportionment has been the expedient recourse of increasing the total membership in a sufficient degree to permit every sitting Member to retain his seat. As a result of this elastic pursuit of the course of least resistance the size of the House has doubled in less than 100 years. The greatest rate of growth has been in the more recent decades. On the basis of 1930 estimates it would require a House of 534 Members—an increase of nearly 100 in 20 short years—to permit a ratio of representation under which no State would lose a Member. It requires no wrench of the imagination, if these expedient trends be not stopped, to foresee a comparatively early day when the size of the House would approach sheer chaos. Already benches have had to be substituted for desks in the other Chamber to accommodate the distinguished throng. Soon they must hang out the "standing room only" sign. It would consume nine 8-hour days to permit each Member to make a 10-minute speech on one subject. The result is not greater articulation for democracy. The result is less, rather than more, freedom of action. Indeed, freedom of action, which, after all, is the true measure of democracy, already has become a legend. The distinguished junior Senator from Ohio, who returns to this body after another honorable turn of service in the other House, openly declared as long ago as 1921 that after a membership in the House under four apportionments the one outstanding thing with which he was impressed was "the diminished prestige of the House and the diminished standing of the individual Member." Here, in this pending bill, is the golden opportunity for the Senate to join the House in the declaration of the great and essential principle of limitation.

We do not thus depart from the intent of the founders of the Nation, Mr. President. Rather, we validate their prescient warnings. Innumerable proofs are available. I content myself with two. I take it that none will deny the authority of the Federalist Papers as an interpretation of what was in the minds of the constitutional fathers. In their tenth chapter is this admonition:

> Representatives must be raised to a certain number in order to guard against the cabals of a few, and, however large it may be, they must be limited to a certain number in order to guard against the confusion of a multitude.

Precisely that sensible limitation the Senate now is invited to join the House in registering. Again—and this is tremendously significant and pertinent—the Federalist Papers in their fifty-eighth chapter have this to say:

> In all legislative assemblies, the greater the number composing them, the fewer will be the men who will in fact direct their proceedings. * * * The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

I am sure the argument requires no further amplification upon this score. A correct reflection of constitutional intent and of contemporary necessity is plain as day. The House has decided for itself that it wants limitation upon its total membership. This is the first time since 1840 that so courageous and salutary a disposition has been evidenced. The Senate, which is itself a limited body, can not in conscience and public duty do less than agree. The pending measure invites us to join in this contribution to the best welfare of America's effectual democracy.

The PRESIDING OFFICER (Mr. DALE in the chair). The Senator from Michigan will suspend while the Chair makes an announcement which, the Chair will state, does not take the Senator from the floor.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11526, the so-called cruiser bill.

Mr. VANDENBERG. Mr. President, I shall conclude very briefly, and I am sorry to intrude even for 15 minutes upon the time of the unfinished business, which I support with all my heart and soul.

DELEGATION OF POWER

Now we come to a feature of the apportionment bill which is the subject of some attacks which, while no doubt well meaning, are imaginary rather than real. They provide an excuse rather than a reason for opposition. I refer to the ministerial rôle assigned to the Secretary of Commerce, who is directed to do a specific problem in arithmetic subsequent to each decennial census. This arithmetic ultimately controls a reapportionment only in the event that the next Congress after the completion of a census fails promptly to meet its own independent constitutional responsibility to make its own reapportionment on the basis of any arithmetic which it chooses to consult. In other words, there is no external intervention unless and until Congress fails to do its own constitutional duty—as it has failed for eight sterile years—and even then the external intervention is merely the automatic operation of a rule which Congress itself ordains and which Congress subsequently can revoke whenever it is thus minded.

Here is the theory of the pending measure as approved by the House in respect of its own affairs. If Congress fails to reapportion in 1930–31, then automatically the House is reapportioned in accordance with the tabulation transmitted by the Secretary of Commerce in his ministerial capacity as provided in the bill and as now ordered by this Congress. In such an event he has no latitude or discretion of action. He enjoys no legislative function. He is told by Congress to take the 1930 census count, and by the method of so-called "major fractions" to divide it among the States into 435 congressional seats. There can be no speculation as to the result. There is only one result which any mathematician can reach. Congress thus subordinates its independent wisdom only to fundamental arithmetic, which not even a congressional filibuster could succeed in denying. Two and two inevitably make four in spite of sound and fury.

Mark you, Mr. President, this arithmetic does not become authoritative until after Congress has had a full, free, fair chance to write its own reapportionment law on this or any other basis which it may see fit to embrace. It is only in the event that Congress again persists in contempt of the constitutional mandate to "apportion Representatives among the several States, according to their respective numbers," that an automatic reapportionment occurs on the basis of the arithmetic done by the Secretary of Commerce. In other words, the bill in this particular boils itself down to this simple proposition. The 1930 census must result in constitutional reapportionment either (1) by the next Congress, according to its own free will and accord, or (2) according to a formula which Congress now expresses the belief is the proper and suitable formula.

What are the conjured objections?

First, it is argued by some distinguished gentlemen that this is an unwarranted and even an unconstitutional delegation of power to the Secretary of Commerce. But the truth is that it is no delegation of "power" at all. It is the delegation of an immutable problem in arithmetic and nothing else. It is the delegation of the task of doing a straight sum in mathematics to which there can be but one answer. This is purely ministerial. It is not legislative. It is not discretionary. Compare this with the wide and vital discretions which Congress has sublet to the Interstate Commerce Commission or to the President under the terms of the flexible tariff law. This latter delegation of power goes to the very heart of congressional prerogatives. Yet it has been upheld by the Supreme Court of the United States, in J. W. Hampton, Jr., & Co. against the United States, a decision rendered on April 9, 1928. The rôle of the Secretary of Commerce under this bill is but the lengthened shadow of his rôle when he takes the census itself. Congress does not iniquitously sublet its constitutional functions when it permits the Commerce Department to enumerate the people. No more does it violate any sensible rule when it asks him to apply a divisor, named by Congress, to the results of his enumeration. I am forced to say that gentlemen who criticize the alleged questionable constitutionalism of this simple process which is aimed to cure the larger and fundamental and paramount unconstitutionalism of continuing denial of the first article in the Constitution, seem to strain at a gnat and to swallow a camel.

A second alleged objection is that we are attempting to bind a future Congress and to strip it of autonomy. Such solicitude

is touching but irrational. Every law we pass, Mr. President, binds a future Congress unless and until a future Congress changes it. We do not wipe out all the statutes every two years. We amend or repeal that which proves serially objectionable. Precisely the same authority stays with any future Congress in respect to this reapportionment rule. We simply say that if a future Congress does not want to establish its own rule in its own untrammeled right, then this present rule shall apply. We do not estop independent action in the future. We merely protect the integrity of the Constitution against inaction; and such inertia, I am persuaded, is not a congressional prerogative, even though it may be a habit.

For myself, Mr. President, I only regret that we can not establish a rule which does bind the future in relation to this constitutional fundament which involves the root sources not only of the representative arm of the Government but also the root sources of the Executive arm, as controlled by the Electoral College. There is no doubt about what the resurrected founders of the Republic would say if they were here. Mr. Randolph, of Virginia, bluntly put it to the framers of the Constitution in the Convention of 1787. He declared his apprehension lest "a pretext should never be wanting to postpone alterations in apportionment and keep the power in the hands of those who possessed it." He frankly argued his fears that "if the legislatures are left at liberty, they will never readjust the representation." He intended, in respect of these legislatures, to "tie their hands"—note the literal phrase borrowed from Randolph himself—"in such a manner that they could not sacrifice their trust to momentary consideration." He specifically warned that "if a fair representation of the people be not thus secured, the injustice of the Government will shake it to its foundations." I could support him by many other quotations from the great men who sat in that God-inspired forum. Suffice it at this point, however, to drop down to March 1, 1832, and to note prophetic words from the lips of John Quincy Adams:

> I should hope that a great and inveterate defect in the apportionment laws might be remedied. I would not prematurely despair of the Republic, but my forebodings are dark, and the worst of them is in contemplating the precipice before us.

No, Mr. President, if there is any legitimate criticism of a weakness in this bill it is not that it does bind future Congresses to obey the Constitution and to save us from the mockery and the anomaly of unrepresentative representation. It is, rather, that it does not thus bind. It does not bind any more than precisely the same type of legislation in 1850 prevented a subsequent Congress from going back to the old practice. This bill is no novelty. It had its forerunner, I repeat, in 1850. Neither on the basis of precedent nor logic can it be assailed to-day simply because it undertakes to invoke an automatic reapportionment in the event that the next Congress fails to initiate its own interpretation of the 1930 census.

Ah, but it is thus wrong because it is anticipatory, another critic says. But, Mr. President, better that great victimized constituencies, robbed of their constitutional rights for nearly a decade, should be permitted at least to "anticipate" justice at the hands of Congress than that they should see and hear nothing but grandiloquent gestures which "keep the word of promise to the ear and break it to the hope." Personally I should prefer, even at this late day, a straight-out reapportionment, with a 435 limit, based upon the 1920 census. Thus there would be no break in the continuity of congressional fidelities. But it were silly, or even hypocritical, not to face the realities.

The realities are these: First, this is the only reapportionment legislation which the House will approve in the present Congress; second, the next Congress will face the 1930 census, under which shifts in population will prove to have been so much greater than under the 1920 census that the human difficulties which have prevented a 1920 reapportionment will be multiplied to an extent to make 1930 reapportionment all but impossible; third, thus we shall drift to 1940—drifting all the while toward such resentments as in other days led our forefathers to actual revolt against the tyranny of taxation without representation.

We face a condition, not a theory. Senators who in such circumstance cling to theory and ignore conditions may be utterly conscientious—and I never quarrel with conscience—but they put us at the mercy of a quorum of mere words. Candor compels us to judge the future by the past. If this bill fails on the responsibility of the Senate, then all reapportionment fails for many years to come. Thus constitutionalism fails. Those who may be content to embrace the counsels of perfection as an excuse for rejecting the realities of fact in this vicissitude assume a hazardous responsibility.

MAJOR FRACTIONS

The bill provides that "the method of major fractions" shall be used in handling the arithmetic incident to the ultimate computation and allocation of Representatives. It is a specific and standard method with an identified meaning for mathematicians. I confess that it is something like an income-tax return in baffling the layman. But so is any other of the possible fraction methods that might be embraced. In other words, "major fractions" suffer no greater infirmity upon this score than would any other kindred recourse. I will endeavor to submit the contemplation in the plainest language possible.

Since 1790 there have been three different "fraction methods" used in determining apportionment among population remainders in the States after populations have been divided by the accepted quota figure.

So-called "rejected fractions" were used from 1790 to 1830. Since they were long since "rejected" in fact as well as name, it is needless to dwell upon them. They permitted no representation for any fraction, large or small.

Then so-called "major fractions" were used in the single reapportionment of 1840. This was the only reapportionment which actually reduced the total size of the House.

Then from 1850 to 1900 the so-called "Vinton method" was substituted. It broke down in certain ultimate anomalous situations in which it became evident that the larger the fraction the smaller the chance of its recognition.

In 1910, the last year that any reapportionment bill passed both branches of Congress, despite the plain mandate of the Constitution to the contrary, Congress returned to "major fractions." It was used in 1921 in the House bill which the Senate pigeonholed. It is used in the present bill. It is the method under which the sitting House was chosen. It is the method which the House has refused to change in connection with the present legislation. It is a refinement of the 1840 method as improved under the auspices of Prof. Walter F. Willcox, of Cornell University, who has been chief statistician for the Bureau of the Census.

The only controversy to-day is between so-called "major fractions" and a new system of so-called "equal proportions." The difference between the two methods is this: "Major fractions" reapportions the House absolutely on the basis of straight population. "Equal proportions" reapportions on the basis of a ratio between the individual in a given State and the whole population of that State.

Suppose Congress should want to make the total House membership 436 instead of 435. Who would get the 436th Congressman? According to "major fractions," that State would get the 436th Congressman which has the largest absolute number of unrepresented people—in other words, the State with the largest actual remainder. According to "equal proportions," that State would get the four hundred and thirty-sixth Congressman in which its own unrepresented portion bears the highest ratio to the total population of the State. "Equal proportions," in other words, is a mathematical subterfuge to cheat actual equality in the consideration given to citizens in different States. "Major fractions" is the method whereby every citizen, regardless of habitat, has the same weight in the apportionment to remainders. Under "major fractions" every State with more than 50 per cent of a remainder after its population is divided by the key apportionment number, gets a Congressman. A State having less than a 50 per cent remainder never gets the extra Congressman. Under "equal proportions" the reverse may be true.

The actual net difference between the two methods, of course, is small. It would have affected the seats of but three Congressmen on the basis of the 1920 census.

I submit that we should retain "major fractions": (1) Because it is the method approved by the House which should control its own problem in this respect; (2) because it is the method of the last reapportionment, the one under which the present Congress sits; (3) because it is the only method by which unadulterated recognition is given to straight population comparisons between the States—and it was the constitutional intent that population should be paramount in dictating House membership and apportionment; (4) because any other method now available would be an untried experiment. We learned through the "Vinton method" how treacherous these experiments may be. Certainly it is no time to embrace experiments when we are writing what purports to be a permanent and automatic system for future reapportionments.

CONCLUSION

Mr. President, I have concluded my analysis and discussion of this bill. I shall hope that the Senate shortly will permit it to come to a vote. I have omitted nothing pertinent to the real issue before us—namely, the practical possibility of getting

legislation that will cure the existing constitutional mockery. By the same token I have refused to follow detours into irrelevant matters. For example, I have not discussed the interesting suggestion that the enumeration for apportionment purposes should count "citizens" instead of "people." That proposition must stand upon its own subsequent merits. It requires a constitutional amendment. It does not belong in this debate. Neither have I discussed the much-mooted fourteenth and fifteenth amendments to the Constitution. This question of the alleged denial of suffrage to certain citizens raises an issue of fact—namely, Is the right of suffrage unconstitutionally abridged?—a fact violently controverted; it raises an issue of law—namely, if the denial were proven to exist, does not the fifteenth amendment direct offended parties to the Supreme Court for relief, instead of to the Congress, as might have been the case if the fourteenth amendment stood alone? James G. Blaine specifically made this latter deduction in his great Twenty Years of Congress.

I repeat, Mr. President, that I have deliberately omitted such collateral considerations in this discussion, precisely as I think it is the duty of the Senate to omit them from the scope of its immediate decision. Our immediate problem deserves to be settled without complication. The paramount importance of the basic challenge entitles it to an unhampered day in the forum of this parliament. All such by-products were excluded from the bill by the House most intimately affected by its terms. We do well to emulate this example.

The bill may not suit all Senators either in detail or prospectus. It is not altogether such a bill as I should have preferred. For example, I repeat that I dislike to leave a 10-year blemish on the constitutional record of the Congress by failure to have reapportioned pursuant to the 1920 census. But that blemish merely would be hidden—it could not be cured—by eleventh-hour repentance on the eve of another census. Infinitely greater will be the blemish if in a quarrel over past iniquities we here create a further and continuing iniquity which this bill would cure. Pride of opinion in such a moment deserves to be subordinated to pride of accomplishment.

Ever since I arrived in this Chamber, where I now gratefully acknowledge my colleagues have been uniformly considerate and hospitable, Senators have told me that reapportionment was simply awaiting House initiative. Although I disagreed with the attitude, I repeatedly heard it said that this is inherently "the business of the House." You know the familiar idiom, "When the House acts the Senate will agree."

Well, Mr. President, the House did act in 1921 and the Senate did not agree, although in times past the Senate passed 8 out of 13 House reapportionment measures without amendment. Once more the House has acted. Once more we are put to the proofs of the good faith with which the Senate has excused its own share of responsibility for eight years of failure to validate the fundaments of the Constitution. The Senate committee to which this bill was referred reported it back without amendment in 24 legislative hours. I dare to hope that the Senate now will discharge its own final responsibilities to the Constitution with like wisdom and like decision.

Abraham Lincoln found it possible to utter this confident challenge in his first inaugural message:

> Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied.

It is a hapless commentary that Lincoln, if here, would not dare to repeat that challenge in this modern day and age. It is doubly dangerous that he could not utter it within this congressional sanctuary.

Senators, such a situation can not go on. Its implications are too hazardous. The country must find here in its Congress a dependable example in fidelity. Here and now the Senate confronts an acid test. We and we alone can save this situation. The Constitution pleads with us for friendly ears.

> It was not made with the mountains,
> It is not one with the deep:
> Men, not gods, devised it,
> Men, not gods, must keep.

Mr. WALSH of Massachusetts. Mr. President, I wish to join with the Senator from Michigan in urging prompt and favorable action upon the measure which the Senate by a record vote agreed to consider. I can conceive of no responsibility resting upon the public servants of the American people greater than that of preserving representative government as defined in the Constitution of the United States. We may err about this or that piece of legislation; we may make mistakes in other features of our public service; but if we lack the capacity and the purpose to meet our basic obligations as defined in the Constitution providing for the preservation of real representative government, we are unworthy of the confidence of the American people.

I consider it a blot upon the record of the Congress of the United States that for eight years we have failed to comply with a plain primary duty intrusted to us by the Constitution of the United States. The apportionment of Representatives in the Congress is not a political question; it is a patriotic question. It is a question of public servants showing to the American people their faith in and observance of the very essence of the fundamental law. The worst nullifier of the Constitution of the United States for the past eight years has been the Congress of the United States. Its conduct has been nothing else but plain, deliberate, intentional nullification, disregard, and disrespect for the people's chief political safeguard and guaranty of liberty, the Constitution. Some of those responsible for this condition are those who go about through the country preaching about the sacredness of the Constitution, pleading that it must be preserved in its integrity, and accusing men who suggest remedial changes in our Constitution as being enemies of our Government and enemies of our Constitution and of giving expression to Bolshevistic views. Some of the people claiming to be "holier than thou" in Americanism are the very persons who are responsible for this outrageous nullification.

Mr. President, I come from a State which, under this apportionment bill, will lose one of its Representatives. What has that fact to do with this question? How can I justify nullification from selfish motives? It makes the offense less condonable. Massachusetts should lose one of its Representatives, if other States have increased in population in excess of the increase that has been made in the State which I have the honor in part to represent. It is not a question of which State shall have the largest number of Representatives, which State shall lose Representatives, or which State shall gain Representatives; it is a question of giving honest representation to the States entitled to such and ending false and dishonest representation in the Congress. It is a question of preserving and giving expression to the plain terms and obligations of the Constitution. It is a question of preventing a clique in the Congress from setting up a government that supersedes constitutional government.

Mr. President, this question, it seems to me, is primarily one that we would ordinarily expect the House of Representatives to settle for itself. The House has given us its judgment; its verdict is here. Why should we hesitate to accept that judgment on a matter which very intimately and very particularly relates to the future composition and membership of that branch of the Congress?

Let us abandon dilatory tactics on this measure; let us hesitate to filibuster upon a question that tests our capacity to give expression and fidelity to a fundamental principle of our Constitution. Let us demonstrate to the people of this country that we are sincerely intent in our purpose to preserve, I repeat, representative government—true representative government—in America. That is the chief and in fact the only question that is at issue here. I plead with my fellow Senators in the case of this one particular measure to show the American people that we are not lacking in capacity to perform a plain, simple, and elementary duty that preserves to them one of their most sacred constitutional rights.

I sincerely hope that early action will be taken, and I suggest to the Senator from Michigan that he try to reach an understanding with the leader of the majority party to hold night sessions, to make this bill a special order for certain nights, when it will be discussed and debated, if debate is to be held, and that final action be had upon this measure if upon nothing else during this session. I place this bill in importance above every other measure before the Senate of the United States, and in saying that I am not unmindful of the importance of other pending measures.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. WALSH of Massachusetts. I yield.

Mr. BROOKHART. I should like to ask the Senator a question as to the urgency of action on this bill. I see the bill itself does not contain any provision that will affect the next election of Members of Congress; that it does not take effect really for four years. Why should we get in such a hurry to act on it? The bill provides that action shall be taken after the next census, the taking of which has not even commenced. We have not even passed the law to provide for the taking of the next census. There are two sessions of Congress before anything can happen under this bill. The bill itself is four years dilatory.

Mr. WALSH of Massachusetts. The bill is eight years dilatory. An apportionment bill should have been passed eight

years ago. I suppose anyone can find excuses or reasons for postponing action, but we have waited eight long years for the judgment of the House of Representatives. They once gave it to us six years ago, but by dilatory tactics we defeated that bill. It is asserted we are going to do that now; it is asserted that a handful of Senators here propose to prevent action upon this bill, and that the Senate will again have the responsibility of delay. We have, I repeat, the judgment of the House of Representatives, the body primarily interested, the branch of Congress which is particularly affected by this proposed legislation. How any Senator other than one actuated solely by considerations of selfish motives and selfish interests can oppose this amendment is beyond my understanding. I can not conceive why there should be any more delay here on the bill than there was in committee, which, to its credit, within 24 hours unanimously reported in favor of the passage of this measure. If we could fully realize what this measure means in the example of respect for law, in this instance fundamental law, it would illustrate to the country, we would in 24 hours pass the bill and go on record as favoring the action taken by the House.

Mr. BROOKHART. Then why not make it effective at once by applying it to the present census?

Mr. WALSH of Massachusetts. I should be very glad to make it effective at once, so far as I am concerned, but I repeat that would only mean that the Senate would be differing with the House, and that the House could accuse us of trying to substitute our judgment as to the composition of that body for their own judgment, and we would be in chaos once more. It seems to me the thing to do now, having their judgment, is not longer to delay acting on the measure.

Mr. BROOKHART. The Senator approves of the House action in postponing the time for the taking effect of the bill for two years?

Mr. WALSH of Massachusetts. I do, sir, because there is nothing else to do under the circumstances. If I had my way and was drafting this bill—and I would have presented it long ago—I would have had it applied to the census of 1920; but, I repeat, the bill reflects the judgment of the House of Representatives, and there is nothing else for us to do, it seems to me, but to act and act promptly, and that I urge.

Mr. BROOKHART. Would not this bill be a direct precedent for approving the passing over of a whole 10 years after the taking of a census without a reapportionment?

Mr. WALSH of Massachusetts. Whatever this bill may do, I hope our action will not be a precedent; I hope the action of the Congress in delaying its plain duty all these years will not be a precedent. The country should be spared any further exhibition of defiance of liberty, for liberty must begin with respect for law by lawmakers. Had the amendment to the Constitution which the Senator from Nebraska [Mr. NORRIS] proposed been adopted by the House during the last six years we would not have, in my opinion, some of the criticism that exists in the country to-day because of the failure of the Senate to act promptly on a good many measures.

Mr. NORRIS. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to say to the Senator that, while I do not agree with him that we should avoid making an amendment to the bill if we think there ought to be one, I do most heartily agree with the Senator that this measure is very important, and I should like to ask him why he thinks we ought to pass the bill in the exact form in which the House passed it.

Mr. WALSH of Massachusetts. I have not urged that, sir. I have said that this bill represented the judgment of the House and that we ought not to interfere with it by amendments in such a way as to cause a deadlock between the two branches and cause the bill to fail.

Mr. NORRIS. Of course, that might occur.

Mr. WALSH of Massachusetts. But the fact that the members of the Senate committee, representing both political parties, including a number of Senators from States most affected by this bill, have unanimously approved it has great weight with me.

Mr. NORRIS. It has with me also; I am not considering the report of the committee lightly, but all legislation here, no matter whether it affects the Senate directly or the House of Representatives directly, it seems to me, ought to be considered on the basis of what is the consensus of opinion and the judgment of the Senate as to what is wise in the matter of amendment.

Mr. WALSH of Massachusetts. I think the Senator will agree with me that this is somewhat different from the average bill; that this measure is particularly and intimately connected with and associated with the work and the composition of the House of Representatives.

Mr. NORRIS. That is true.

Mr. WALSH of Massachusetts. And while it is true we ought to examine it with care and make amendments if we think it advisable to do so, yet such action on our part should not delay the passage of the bill.

Mr. NORRIS. But the country is also directly and intimately interested in anything that concerns the House of Representatives. I do not mean any disrespect to them; I do not know that I would favor an amendment such as suggested by the Senator from Iowa [Mr. BROOKHART]; but, at least, it is perfectly proper to debate it, and I would vote for an amendment if I believed it would improve the bill. If we should amend it, the House would have the opportunity of agreeing to our amendment or of disagreeing and putting it into conference and thrashing out the difference.

Mr. WALSH of Massachusetts. I am very glad to get the Senator's view. I would expect a Senator who has stood so valiantly in this country for pure representative government to be militantly supporting a measure of this kind. It seems to me at least that those of us who have claimed to represent an intent to protect representative government should do our utmost to secure favorable action in the Senate upon this measure.

Mr. NORRIS. I am wondering from what the Senator has said if there is opposition to this bill from some Senators on the ground that some States would lose membership in the House of Representatives.

Mr. WALSH of Massachusetts. That is brazenly declared in the press and it is whispered about here, and it is said that that opposition comes from the group which has opposed apportionment bills in the past from the particular States whose representation would be diminished.

Mr. NORRIS. The Senator will have to modify that statement. I was a Member of the House of Representatives when we passed a bill of this kind, and I was strongly opposed to the bill which we passed, on the ground that it increased the membership at that time, and I did not think the membership ought to be increased. The number of Representatives was something over 300 then. I do not think the membership of the House ought to be increased now, although, like the Senator, I in part represent a State that would lose one Representative if this bill should pass. I should like to vote for an amendment that would cut down the membership.

Mr. WALSH of Massachusetts. So should I if there was any hope of getting the House to concur.

Mr. NORRIS. I have just been talking with a Member of the House of Representatives who opposed this bill in the House, and yet he frankly admitted to me that the House of Representatives ought to be cut down in membership. He had other reasons for his opposition to it. There is no disguising the fact, however, that the House of Representatives is too large to do good work as a legislative body. I have always been afraid that we would get a bill over here that would increase the membership of the House, and I should hate to see that kind of a bill passed.

Both the Senator from Massachusetts and the Senator from Michigan [Mr. VANDENBERG] agree that this is a very important measure, and I think much more important than the cruiser bill that is now the unfinished business; and yet both the Senator from Massachusetts and the Senator from Michigan have been discussing this bill while the cruiser bill was officially before the Senate, and it is before the Senate now. If the reapportionment bill is of this importance, why does not the Senator from Massachusetts or the Senator from Michigan make a motion to take it up, and let up dispose of it officially? We can not get very far with it if we do our debating while some other bill is before the Senate.

Mr. WALSH of Massachusetts. I think the Senator will agree that I have not consumed very much of the time of the Senate in discussion of this bill. I think I have had the floor about 15 minutes, half of which time has been devoted to answering questions.

I can well understand, in view of the Senator's attitude toward the cruiser bill, why he should welcome a motion to have that bill displaced. This is a bill that I should vote for to displace the cruiser or any other bill. I do not care at this time to assume authority for its direction and leadership, however. The Senator from Michigan is responsible for that; and if the Senator from Nebraska can induce him to make a motion to that effect I shall be glad to join with the Senator in voting for it. In conclusion, let me urge with special emphasis that we act promptly and favorably upon this bill. We owe it to ourselves, to the prestige and dignity of the Senate, and above all to our fellow countrymen to act.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. HALE. Mr. President, the unfinished business which is now before the Senate is a matter of very great importance to the national defense.

I reported this bill from the Committee on Naval Affairs of the Senate last May. Since that time I have been trying to get action on the bill almost every day that the Senate has been in session. Hitherto I have not been successful.

I realize that debate on the bill is legitimate, and I expect that there will be debate on it; but I should like to ask the Senate to stick as closely as possible to the subject matter of the bill. There are a number of very important appropriation bills that have to go through at this session, and I do not want to see them blocked. If Senators will give their attention to this bill, and will stick to the subject matter, we can get action on it, I think, within a very few days.

I have already, on January 3, made a speech explaining the purposes of the bill. The senior Senator from Virginia [Mr. SWANSON] has made a very able and full explanation of the bill. So has the junior Senator from Maryland [Mr. TYDINGS]. I am now ready to go ahead with the bill and with the amendments to the bill. There is but one committee amendment; and unless Senators wish to talk on the general subject matter of the bill at this time I should like to go ahead with that amendment.

Mr. BORAH. Mr. President, I desire to discuss a matter which becomes relevant by reason of an amendment which I propose to offer later. I can either present the matter now or I can present it at a later time, whichever best suits the convenience of the Senator from Maine.

Mr. HALE. It will be entirely satisfactory to me if the Senator will present it now.

Mr. BORAH. Mr. President, the amendment which I propose to offer reads as follows:

First. That the Congress favors a restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea.

Second. That such restatement and recodification should be brought about if practically possible prior to the meeting of the Conference on the Limitation of Armaments in 1931.

There are two phases of this question of preparedness. One is the mechanical side, we might call it, that of armaments. The other is the economic side, or, as we might call it, the human side.

Mr. WATSON. Mr. President, will the Senator permit an interruption?

Mr. BORAH. Yes.

Mr. WATSON. Does anybody object to the Senator's proposed amendment?

Mr. BORAH. It was not reported by the committee.

Mr. WATSON. Was it before the committee for action?

Mr. BORAH. It was.

Mr. WATSON. The Senator does not provide, I notice, by the terms of his amendment, as to how this recodification shall be brought about. Does he intend to explain how that should be done?

Mr. BORAH. Yes.

I did not put into this amendment a specific provision that the President should call the conference, for the reason that it is not necessary to do that. My desire is to have an expression of view upon the part of the Senate as to the wisdom of doing so. I could put in, as I did formerly with reference to the disarmament conference, an authorization for calling one; but such authorization is not essential to the President's action. He may do so as well without it as with it.

Mr. President, I think we are on the eve of a naval race with Great Britain. The situation is not dissimilar to the situation existing between Germany and Great Britain from 1905 to 1914. Of course, so far as the governments are concerned, there will be, as there always is, the assertion of the utmost friendliness, and that there is no intention to engage in a naval race. That was true with reference to the expressions of the Governments of Germany and England from 1905 to 1914. The fact is, however, that we are building a navy looking at England, and England is building a navy looking at us; and the discussions here and the discussions in Great Britain show unmistakably that the two Governments are building with reference to each other's action.

The basic principles for a naval race are already admitted in this discussion. There must be some reason for this. I assume that neither Government would wish to expend large sums of money for the building of battleships or cruisers unless there really was some justification for it. Whether or not that justification is a sound one, it is a controlling one, in my judgment, in this particular situation.

Before stating what I conceive to be the controlling reason for this, let me call attention to a book which has just been published by Commander Kenworthy, who is now a member of the British Parliament.

In discussing the subject of naval building in this book, entitled "Peace or War," we find statements which are exceedingly interesting in view of the fact that they can be almost duplicated from the literature between Germany and England from 1905 to 1914.

At page 112 of this book he says:

The European nations, on the other hand, resent the supposed superiority complex of the United States, hate her for demanding repayment of the debts, and are jealous of her wealth and material prosperity. Is what I say doubted? Ask any American tourist or business man who knows Europe. If events move in the next 10 years as they have moved in the last 9 years, England will stand at the head of a European federation, a federation of mutual mistrust and disappointment with America.

Farther on, I read:

When the English newspaper with the largest circulation and probably the greatest individual influence began to attack America in its columns, just as it had attacked Germany before the war, and France at the beginning of the century, official influence was brought to bear on its owner who, hurriedly, over his own signature, wrote an article in another of his newspapers denouncing the criticism and praising the United States. The successful editor, with great prestige in British journalism, who had initiated the attacks on America was dismissed, and it was hoped the incident was forgotten. But now the attacks have begun again. "Let the eagle scream," say the hack writers in London and are answered by the brothers of the pen in the States.

At page 117 it is said:

For 300 years the English people have been schooled by a ceaseless propaganda into believing that their future lies upon the waters, that their bread and butter depends upon sea power and that only by an overwhelming navy can the prosperity, the power, and the very existence of the British Empire be maintained. So long as war is a legal process and the ultimate means of settling disputes between peoples, this doctrine is sound. Any nation threatening British hegemony at sea has incurred the hostility of the British ruling class and their lead has been followed by the British people. Spain, Holland, France, Germany, each in turn threatened British sea power, and each in turn was fought and overthrown.

In the periods of reaction after every war, the Admiralty has been hard put to it to extract the necessary money from a depleted treasury to maintain an overwhelmingly strong navy. In order to wring credits from Parliament, it has been necessary to point to a bogey, a menace to Britain's sea power. At the beginning of this century, France; yesterday, Germany; to-day, whom?

In the years immediately following the armistice, the British Admiralty automatically indicated America, the next strongest sea power, as the potential enemy, just as they tend to indicate America again to-day. Now the policy of the British Admiralty is simplicity itself. It is to maintain a navy, with the requisite fortified harbors and bases, of such strength as to be able to overbear any rival. * * * It must be realized that the Board of Admiralty is normally able to force its will upon any British government.

In recent years it forced its own shipbuilding policy upon the reluctant government of Ramsay MacDonald, the first socialist government in England. The Board of Admiralty knows not party politics; and when an overwhelming conservative majority, under Mr. Baldwin, took the place of the labor government, it coerced that government in council and inflicted a defeat on the Chancellor of the Exchequer, Mr. Winston Churchill, the most powerful individual minister in British political life, in the cabinet councils.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. In just a minute.

Again, on page 120, it is said:

Military tournaments, naval reviews, parades of troops, are becoming popular again in England. The annual aerial pageant, staged by the air force near London, is becoming a great national festival. It always winds up with a mimic battle in which dummy towns are blown to pieces by real bombs dropped by war airplanes. This part of the spectacle is the most popular with the crowds. True, there have been a few cinematograph films showing the horrors of war, and one film advertising the League of Nations. But they are not so popular as frankly propagandist films produced in England with the assistance of the British War Office and Admiralty glorifying war. Whilst British statesmen prate of peace £115,000,000 a year, far more than the taxpayers can afford, is spent on armaments.

I might take the time of the Senate to read equally significant statements from our own country, from the press, even from

some of the speeches in the Senate. We are repeating the arguments and reasserting the surmises of the old days before the World War.

To my mind the reason for this disturbance, for this uneasiness, and for this appeal which is being made successfully is the conditions with reference to sea law, or maritime law. When the great World War closed there was no such thing as a rule or a principle of law to guide and control the use and operation of commerce on the seas. That is the condition of affairs to-day. If a ship engaged in commerce puts out from one of our ports it has no assurance, if war breaks out anywhere, that the ship will not be intercepted or that it will not be dealt with under the rules of dominancy of the sea, and regardless of what the rights of a neutral ought to be. The legitimate foreign commerce of all nations has no protection other than that of force.

This is the one thing which enables those who are interested in building great navies to argue with success the necessity of a great navy. If there is no rule to govern the use of the seas save the rule of force, necessarily those who are engaged in commerce will look to their governments for protection based upon force, and the governments will necessarily supply it. Theories and plans for peace will give way before the demand of vast interests for protection, and the question is, Can that protection be given by law or must it depend alone upon navies? I want to try the protection of law.

Mr. EDGE. Mr. President, before the Senator started to discuss the subject matter of his amendment he made the statement, as I caught it, that he believed this legislation was the forerunner of a race between the nations for naval supremacy. I wanted to ask him how he believes it possible for the countries to engage in a race for naval supremacy when, as I understand the pending bill, we are providing for ships well under the maximum provided by the only successful disarmament conference the world has ever known, the one in Washington in 1920.

Mr. BORAH. That will end in 1931, and of course this is simply a preliminary to what will transpire, if some understanding is not reached for the removal of those things which seem to make large navies necessary. The Senator must admit that if there is no understanding with reference to the use of the sea by neutral ships for commerce, no law governing it, and if the protection to which they are entitled depends entirely upon navies, navies will be increased from time to time in accordance with the demands of those who are using the sea, for the protection of the commerce of the countries. It is my belief that while all obstacles can not be removed, and all controversies can not be put at ease, a vast amount may be done by a complete agreement as to the rights of neutrals in the use of the sea. I feel that we ought, not in the spirit of antagonism but in a spirit of friendliness, seek an agreement with the great naval powers on this question of maritime law.

Mr. EDGE. Mr. President, if the Senator will yield further, I have not indicated any opposition to the Senator's amendment. As far as I understand it, I can see no objection to having a clear definition of the law of the sea as proposed. I simply reverted to the statement the Senator had made in opening his discussion, that there was plain indication of a race for naval supremacy between the nations of the world, and in asking the question how that can be, with the limitations so clearly fixed by the only successful disarmament conference ever held, unless in some future conference, perhaps the one in 1931, as it is automatically to be called under the terms of the Washington conference, such increase should be permitted. At the present moment the increase is not permitted, and in 1931 we will sit around the table just the same as every other nation, I presume, and sincerely hope and trust against further increases, and, if possible, I certainly hope it will be that there will be further decreases.

Mr. BORAH. Mr. President, we are not building these 15 cruisers merely in order that we may comply with the treaty which we made. That has not been the basis of discussion. Nobody has referred to it. The discussion has been over the question, What is the size of England's Navy? Parity! The burden of every argument about cruisers is this—England has more than we have.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. There is no limitation imposed, as yet, on the construction of cruisers by agreement between nations.

Mr. BORAH. No. That is correct.

Mr. EDGE. That is true.

Mr. HALE. The Senator surely does not think we are trying to get a navy superior to that of England, does he?

Mr. BORAH. Yes; I do think so; but not by this bill. But that is the ultimate aim. What was the $800,000,000 proposed for?

Mr. HALE. Not by this bill, certainly.

Mr. BORAH. Let me make my position plain. If we can not have an agreement with reference to the use of the sea, if our commerce depends for its protection entirely upon our Navy, if England stays with the proposition that she proposes to dominate the sea, we will build a navy superior to England's undoubtedly. In my judgment, it is just as inevitable as time. If there can not be an agreement as to disarmament and an agreement with reference to the rights of neutrals, the United States will go forward until she will build a navy which will prevent interference with the commerce of the United States, in case any nation sees fit to undertake to interfere with it.

Mr. HALE. And the Senator thinks that we should not do that?

Mr. BORAH. I think we should, if that happens; but I think, in the first place, before we do that, and before we start on a naval race, we ought to make every effort possible, first, to bring about a complete understanding with the naval powers with reference to naval building; and, secondly, a complete understanding with reference to the freedom of the seas. If it is impossible to have an understanding with reference to the freedom of the seas, if it is impossible to have an understanding with reference to the size of navies, then, if it is for the protection of our commerce, we will undoubtedly build what we think is necessary to protect our commerce, and all the arguments in the world will not militate against the prime necessity of the United States protecting her commerce. We may protect it without building a navy, and I hope we can, but if we can not, we will undoubtedly build a navy. Let us try in every honorable way to avoid that program.

Mr. HALE. Mr. President, does not the Senator think that we would be in a better position to get such an agreement if we showed that we were strong?

Mr. BORAH. They know we are strong. There is no doubt in their minds that we are strong.

Mr. HALE. Yes; but just now we do not happen to be strong in the particular class of ships covered by this bill.

Mr. BORAH. If the Senator will strike out of this bill the time limit, so as to give the negotiating power complete freedom to negotiate during the coming year or two with reference to disarmament and the freedom of the seas, I will cease my discussion, and vote for the bill.

Mr. HALE. Does the Senator think we could get further with paper ships than with ships that are under actual construction?

Mr. BORAH. I think we could. I think that if we had the authority to build 15 ships, or more or less, whatever we thought was necessary, and if the negotiating power had that authority behind him, he could negotiate just as successfully as if we had started building the ships.

Mr. HALE. Why does the Senator think so?

Mr. BORAH. I think so for a number of reasons.

Mr. HALE. I can not conceive what they can be.

Mr. BORAH. There are a great many people who take a different view of it. But I think we can so proceed as to possibly secure what we desire without spending so much of the overburdoned taxpayers' money.

Mr. HALE. Does not the Senator think that Great Britain would rather have the status quo maintained, as far as freedom of the seas is concerned, as long as she has naval supremacy?

Mr. BORAH. I presume that is true, if that was all there was to it.

Mr. HALE. The Senator thinks that?

Mr. BORAH. I presume that is true, yes; if everything could stop there.

Mr. HALE. Then does the Senator think that England would be in any great hurry to enter into an agreement that would change that state of affairs?

Mr. BORAH. I think that the United States, with our strength and our capacity to do what will be necessary if no agreement is reached, can afford to be patient and considerate in her first efforts to secure an agreement. I believe we should make all reasonable sacrifice to avoid a great naval race.

Mr. HALE. Is there any better way we could show that than by going ahead and building ships?

Mr. BORAH. While we are conducting these negotiations I want to save the taxpayer, if it is possible to do so. I do not want to have the Government build 15 cruisers if it is not necessary to do so. In my judgment—and the Senator knows it is the judgment also of the administration, and I presume they are in a position to know as much about it as we are—with

this bill passed and the time limit taken out the President of the United States would be in a position to effectuate results as fully and completely as if we were building the ships, and in the meantime we would not have been to the expense of building them.

Mr. HALE. Does not the Senator think that if the time limit were taken out the President would still go ahead with the construction of the ships at the present time?

Mr. BORAH. No. If I thought so I would not ask to have it taken out. I believe the President would like to save this expenditure.

Mr. HALE. The Senator does not think so?

Mr. BORAH. No. I think he would seek first an agreement.

Mr. HALE. In spite of the stress the President has laid upon the importance of having not paper ships but ships?

Mr. BORAH. The President has said that he would like to see the time limit taken out.

Mr. HALE. Yes; the President has said that, and that has always been the President's view with regard to building cruisers. We had that question up before in connection with the matter of building the last three of the eight cruisers provided several years ago. The President took the same view then, and the Congress took the view that we were the ones to provide and maintain a Navy, and we did appropriate for the ships.

Mr. EDGE. Just one more question, Mr. President. Is it not well to consider the future in the light of our experience in the past? As I recall, when the successful disarmament conference was held in 1920, discussing the limitation of battleships, the position of the United States was one of having a larger number of ships of that character than other nations, or being stronger, and it seemed to have a very decided effect upon our ability to secure disarmament agreements, so far as they refer to those ships.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. The Senator from New Jersey is repeatedly referring to the great results of the Washington conference. When one analyzes the results of the conference, he must reach the conclusion that it merely postponed the real issues underlying the question of naval disarmament.

Mr. EDGE. The Senator admits that it made some headway, does he not?

Mr. ROBINSON of Arkansas. It is true that the United States made a great sacrifice. We destroyed a large number of first-class battleships in process of construction, and the competition in the building of other destructive war vessels, at least as far as other naval powers were concerned, went right ahead. What is the use of limiting one class of ships and leaving other classes of ships unlimited? What is the advantage to the United States in pursuing that system of limitation, particularly when it is made to apply to those vessels of greatest interest and value to the United States?

I say that a study of the results of the Washington conference, and the history of events subsequent to that conference, will convince one that he is not justified in boasting that the conference accomplished great results.

Mr. BORAH. Mr. President, as I said in my opening remarks, there are two sides to this question of preparedness. The only phase of it that the Senator from New Jersey and the Senator from Maine are willing to think about is that of building ships. I want security for our commerce but I feel that much may be done to enjoy that security aside from building cruisers. I feel, too, that we are under the highest obligation to protect the American taxpayer.

There is another side to this question aside from battleships, and I think I might read a paragraph from President Coolidge's message which I believe states it adequately. He said:

> The one weak place in the whole line [of our defense] is our still stupendous war debt. In any modern campaign dollars are the shock troops. With a depleted treasury in the rear no army can maintain itself in the field. A country loaded with debt is a country having no first-line defense. Economy is the handmaid of preparedness. If we wish to be able to defend ourselves to the full extent of our power in the future we shall decide as soon as possible to finish payment for the last war, otherwise we would face a crisis with a part of our capital resources already expended.

When we are building navies and organizing armies there is the other side of the question, and that is the extent to which we are depleting our economic power. Modern wars are wars of the people. They are no longer conflicts between armies and navies. They are conflicts between nations and peoples, and every element of national strength and every ingredient of strong and wholesome nationals are involved in wars in these days. The citizen and not the soldier is the true measure of the nation's strength in war as well as in peace. The economic and financial power of a nation will ultimately determine the question of victory. We should consider, when we are considering building programs, the question of our debt, of our taxes, of our economic strength, and of our financial power. Therefore, any program that postpones to a reasonable time the expenditure of money until we can know whether agreements can be had which remove the necessity of the expenditure seems to me a reasonable program of preparedness. It seems to me just and fair to those upon whom the burden of building falls.

It is for that reason that it has seemed to me we could very well afford to say that we will cut out the time limit in the bill and that we will then propose during the coming year a plan with reference to disarmament and a plan with reference to establishing the rights of neutrals at sea. If we are unable to secure it, having exhausted our means to bring it about and done the best we may to secure it, then we will know what our duty is and we will be prepared to discharge it. But before undertaking it, it is not only prudence but it is justice to the American people and the taxpayers, before we start upon that building program, to exhaust every means to avoid it.

Before we start upon this naval race, the consequences of which no mortal can foresee and few would be bold enough to prophesy, we should seek in all proper ways to avoid it, to minimize its extent, to remove as nearly as may be any justification for it. The great contributing cause is that nations must now carry their trade across the lawless ocean. That which God in His wisdom and mercy designed for the benefit of all, man would dedicate to the strong only. Here is the wicked incentive. We should lead out in removing it. Let us seek to shield our people from the unspeakable curse of a naval competitive race between the two branches of the English-speaking peoples. For myself, I want our Government and our people to stand before the bar of public opinion when its judgment shall in the future be rendered upon the result of the doings of these days, clean of every fault, free from connivance or negligence. If our people are to be burdened with more and yet more taxes and the whole world be menaced with another conflict springing from commercial rivalry, if the worst is to come, I want this country to enter no plea of confession and avoidance. I want it to be able to declare, "Not guilty"; to assert and to prove that it is free from every sinister purpose, every willful act. I would seek an understanding, first, with the leading nations, and, next, with all nations, reduce that understanding to the terms of treaties to the effect that those who would use the ocean for legitimate commerce and trade, for peaceful pursuits, come not behind, not subsequent, not subordinate, but prior to and ahead of those who would use it for war. I would assume that all nations would be willing to make such treaties. But if they are not, if such an understanding can not be reached, if the ocean is to be a place of lawlessness and force, then we shall know our task and understand how to meet it.

The Senator from New Jersey [Mr. EDGE] thinks because we are within the limits of the treaty, although the treaty does not cover this particular ship, but within its spirit we will say, that therefore we are not engaging in a naval race. If the Senator will go back and refresh his recollection with reference to the controversy between Germany and England from 1900 to 1914, and the constant assertions upon the floor of the House of Parliament and in the Reichstag of Germany that there was no naval race, that the relations of the governments were friendly, that there was no intention of building against each other, he will not be misled by these superficial statements or these surface indications. The fact is that in the discussions in the press, in the discussions upon the floor and everywhere else, we discuss our Navy in comparison with the size of the English Navy.

Mr. EDGE. The Senator will surely admit that there is some difference between the situation existing to-day, or since 1920, with some degree of agreement as to disarmament, and the situation existing between 1904 and 1914 when the World War commenced. Certainly we have made some headway. I agree with the Senator from Arkansas [Mr. ROBINSON] that we did not get as far as a large majority of the people, perhaps, would have had the conference go. Nevertheless we made a start, even though at a sacrifice to the American Navy; and certainly that condition did not exist from 1904 to 1914.

Mr. BORAH. Those conditions are not, in my judgment, going to affect the final result. I think that the naval disarmament conference to which the Senator refers did some good, and I have no doubt that those in charge of it did the best they could under the circumstances. But when they avoided entirely

the question of undertaking to adjust the rights of neutrals at sea, they left the thing about which we have been thinking and around which we have been organizing ever since.

What was it at Geneva that constantly disturbed the minds of the conferees and prevented them coming together? It was not the difference merely between 8-inch guns and 6-inch guns. It was the question of how they could protect their respective commerce at sea, one of them believing that it could be accomplished this way and another believing it could be better done in that way, but both of them thinking all the time about that which they did not dare to speak, and that was the question of what were the rights of those who want to engage in legitimate commerce when war breaks out. I am not one of those who believe there is any danger of Great Britain attacking deliberately the United States. I know that there is no danger of the United States deliberately attacking Great Britain.

But suppose Great Britain gets into war with any country, what becomes of our commerce under the conditions which now prevail at sea? It is not that we expect a direct conflict between the nations or an aggressive attack in one form or the other, but it is the condition which we leave open so that the moment war breaks anywhere our commerce is solely at the mercy of our ships, because there is no right of law and no rule by which they may be guided.

I want to go back for a moment. Benjamin Franklin as far back as 1783 undertook to have this written into our treaty of peace:

> All merchants or traders with their unarmed vessels employed in commerce, exchanging the products of different nations and thereby rendering the necessary convenience and comforts of human life more easy to obtain and more general, shall be allowed to pass freely unmolested.

That is the essential, indispensable element of maritime law, if we are going to avoid a naval race. If Great Britain and the United States and the naval powers are not willing to say that legitimate commerce, commerce engaged in carrying the products of the farm and of the manufacturers, can be carried the same in time of war as in time of peace, we may rest assured that nations like Great Britain and the United States, which have such stupendous commerce, will build navies necessary to protect their commerce in time of war. There is no limit to that building. When we think of the amount of damage which five or six little armed vessels of Germany did to the commerce of the world during the World War, and then undertake to build a Navy sufficient to protect our commerce, there is practically no limit to which the building may go.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. And we have not effected a very complete limitation of armament when we leave submarines, torpedo boats, cruisers, and all other classes of war vessels, surface and subsea, wholly unrestricted, save first-class battleships.

Mr. BORAH. The Senator is quite right.

Mr. ROBINSON of Arkansas. I can not understand, if the Senator will permit me to continue for just a moment, how anyone can think that the Washington conference accomplished any great and substantial benefit to the United States by reason of the fact that we threw upon the scrap heap or destroyed a large number of first-class ships on the theory that we were securing a limitation of naval armament, when the conference left the cheaper and more destructive forms of battleships wholly unlimited.

Mr. BORAH. Mr. President, permit me to read another statement. This is no new doctrine which I am advocating. Jefferson said:

> Reason and usage have established that when two nations go to war those who choose to live in peace retain their natural right to pursue their agricultural, manufacturing, and other ordinary vocations, to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual.

President Wilson in his address to the Congress in 1917 said:

> The paths of the sea must alike in law and in fact be free. The freedom of the seas is the sine qua non of peace, equality, and cooperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them.

The sea belongs to all nations. It belongs to no one nation. It is a common of all people, and the idea which has grown up during the last centuries that any partciular power can dominate the sea and control it in time of war is so utterly at variance with all ideas of right and justice in the use of this great common that the time has come when we ought to ask the nations to come together and put aside the doctrine of those old days.

> The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the governments of the world sincerely desire to come to an agreement concerning it. It is a problem closely connected with the limitation of naval armaments and the cooperation of the navies of the world in keeping the seas at once free and safe.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. GLASS. I simply want to get the Senator's definition of the term "freedom of the seas." Great Britain professed during the peace conference never to have understood precisely what Mr. Wilson meant by "freedom of the seas." Does the Senator think that the term precludes the right of blockade during war?

Mr. BORAH. My idea of freedom of the seas is that it is the right of neutral nations to carry their commerce as freely in time of war as in time of peace except when they carry actual munitions of war or when they actually seek to break a blockade. But the blockade must be a blockade sufficient to prevent the passage of ships and not merely a paper blockade. But as to all legitimate commerce, outside of the actual munitions of war and outside of speeding to a particular port where it is blockaded, there ought not to be any interference with the neutral powers. A minimum of belligerent rights and a maximum of neutral rights.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. FESS. In exercising the right to search a vessel for contraband the freedom of the seas is, I think, violated by enlarging on the list of contraband articles during the war.

Mr. BORAH. The idea of making anything contraband that the dominant sea power wishes to make contraband is obnoxious to the idea of the freedom of the seas.

Mr. FESS. That is precisely the point I was raising.

Mr. BORAH. I am speaking now of the right to carry everything in legitimate commerce except actual munitions of war, and that is the only definition of the freedom of the seas, in my judgment, that will ever be satisfactory.

Mr. FESS. And that was one of the rights which was constantly violated during the World War, as to which we protested time and again.

Mr. GLASS. Yes; and then we proceeded to engage in the same violations after we entered the war.

Mr. FESS. That is probably so.

Mr. BORAH. Yes; we did; and, of course, Mr. President, if the question of the freedom of the seas shall never be settled we always shall.

Mr. NEELY. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. BORAH. I yield.

Mr. NEELY. The eulogy of the senior Senator from New Jersey [Mr. EDGE] upon the Limitation of Armament Conference and the comments by the senior Senator from Arkansas [Mr. ROBINSON] upon the same conference, impel me to inquire of the able Senator from Idaho if he will not state the relative naval strength of Great Britain and the United States immediately before the Limitation of Armament Conference and at the present time?

Mr. BORAH. No; I am unable to state that with accuracy.

Mr. NEELY. Can the Senator from Idaho inform us of the value, first, as a fighting force, and then in dollars and cents, of the ships that the United States destroyed as a result of the limitation of armament conference?

Mr. BORAH. No; I can not.

Mr. NEELY. Would the Senator from Maine [Mr. HALE] or the Senator from New Jersey [Mr. EDGE] supply that information to me?

Mr. BORAH. Will not the senior Senator from West Virginia permit me to go ahead with the subject, and when those Senators discuss the bill, perhaps, he can get the information he desires from them?

Mr. NEELY. Very well; I do not want to divert the Senator.

Mr. BORAH. Mr. President, here is the situation as it is still contended for by Great Britain. I ought to say prelimi-

narily that the conditions under which the British Empire has been built up might justify in former times the contention which Great Britain has always made. But under present conditions that doctrine can not stand against the cause of peace and the right of those who want peace. I am not citing these matters for the purpose of attack, but I am calling attention to a situation that must be remedied if these two great English-speaking nations are to dwell in anything like proper relations toward each other. I hold in my hand a book which has been just published entitled "Freedom of the Seas," by an English writer, who says:

For whenever the pinch has come British sea power has made short work of rights of neutrals or the responsibilities of belligerents.

That is true. The minute war breaks anywhere, and the dominant sea power enters it, or becomes involved, it makes short work of the rights of neutrals; in other words, all the legitimate pursuits upon the sea must give way to the dominancy of the sea power which may be involved.

The Premier of England during the war said as to England:

We are not going to allow our efforts to be strangled in a network of judicial niceties. * * * Under existing conditions there is no form of economic pressure to which we do not consider ourselves entitled to resort.

A short time ago a debate took place in the House of Lords in which this matter was discussed at length, and some of the statements made by Lord Wemyss might well serve as the basis for the United States building an unlimited navy. If the doctrine which is here pronounced represents the views of the English Government, and the English Government is going to contend for that doctrine in the future, in my judgment, much as I should dread to see it, because I would regard a naval race as second only in disaster to a war, there is no way to prevent the United States, and I do not suppose anyone would undertake to prevent the United States, building a Navy sufficient to protect itself against such doctrine. Lord Wemyss says:

So long as our fleet is unhampered by diplomatic restrictions—

He was speaking then particularly of the Paris agreement of 1856.

So long as our fleet is unhampered by diplomatic restrictions this country is able on account of its peculiar conditions, the result of geographical position, to wage war in a manner which has been denied, either entirely or in a very large measure, to other nations—a manner which is swifter, surer, less destructive, and far less costly in the expenditure of either life or treasure than ever can be the case with war waged on land—at sea, by cutting off our enemy's supplies and refusing to him the use of those resources which alone make it possible for him to continue to wage war at all.

In other words, the moment war breaks all neutral nations must remain away from that region of the world in which Great Britain thinks it is inimical to her interest to have them.

What very few Englishmen understand is that our fleet, in common with all fleets, is possessed of a power other than that derived from its weapons, its guns and torpedoes, a power without which it would be unable to achieve its aim. I refer to the immemorial right of all belligerents to suppress entirely upon the sea all of those resources and supplies of the enemy upon which his continued resistance must always chiefly depend. It is not a self-arrogated right. It derives its existence neither from government nor from parliament but from an ancient, historic, and universally acknowledged rule of the law of nations, that international law which for centuries has by common consent regulated the actions of the civilized countries in their dealings with one another, especially in the matter of maritime war.

Up to the year 1856 a belligerent's rights in this respect were entirely unrestrained—that is to say, that he was empowered by this rule of the law of nations to seize, to confiscate for his own use, all his enemy's goods, whatever their nature, wherever they might be found, under whatever flag they might be found, with, of course, always due compensation to an innocent neutral carrier. It was a right which, from the very nature of things, could be fully exercised only by the belligerent which held the command of the seas. But the command of the seas is for this country essential.

That is to say, without the command of the seas they could not continue to wage war.

Mr. CARAWAY. Mr. President, will the Senator tell us when that declaration was made?

Mr. BORAH. It was made on the 10th of November, 1927. With all proper respect to the learned gentleman who made use of the term "command of the seas," I undertake to say, Mr. President, that that term has become obsolete or, if not obsolete, obsolescent. No nation is going to be permitted to enjoy the "command of the seas." The United States will not consent to its commerce being subject to the whim of some other power; and, in my opinion, Great Britain herself will soon be able to see that the old theory of the "command of the seas" will work to her detriment quite as much as that of any other nation. Suppose the submarine warfare had been carried just a little further than it was during the World War; the only salvation for England would have been the right of neutrals to carry food to her people. The conditions of warfare have so changed that neutral rights may be as essential to the preservation of England as the command of the seas was at one time.

Therein is to be found the reason for all those attempts which from time to time have been made to suppress those rights—

That is, belligerents' rights—

not by denying their necessity or impugning their legality—for of that there has never been, and can not be, any question—but by trying to get us to renounce them, either by threat or by persuasion or by means of negotiations with the promise of some imaginary return that might be of some use to us.

This is an illuminating paragraph.

A wavering neutral is all the more likely to favor in the end the British Empire successfully waging war with a full offensive force, than a British Empire hesitating and showing weakness, for it is strength and not weakness which attracts neutrals as was proven by the late war.

In other words, the dominancy of the sea or the command of the sea or the right of belligerents to destroy neutral commerce may not only be used for the purpose of defeating the actual enemy, but of forcing other nations to join with the dominant sea power for the purpose of bringing that about; and we all know how effectively that power was used during the war.

So, Mr. President, while we are considering this bill we really have in our minds the sole question of how we are going to protect our commerce. I do not think many think of the use of the Navy in any other light. I do not suppose for a moment that we expect, as I said a moment ago, a direct attack, but we do have this stupendous commerce scattered all over the world, and it is an essential part of our national life. It has been said that Great Britain would perish without her foreign commerce. The United States, if it should not actually perish, would suffer to such an extent without its foreign commerce that the American people would not for a moment abide by the result, but whether it is more acute and more direct in the case of the one or the other makes very little difference, because the moving, controling question is how to protect our commerce against the inroads of those who may be engaged in war. To protect commerce is to protect national life.

Mr. WATSON. Mr. President, would it interrupt the thread of the Senator's argument if I should ask him a question?

Mr. BORAH. No.

Mr. WATSON. The Senator has made two or three very significant statements. The first is that the old doctrine, if it may be called such, of the command of the sea, is either obsolete or obsolescent, and that the United States will not tolerate either Great Britain or any other nation having command of the sea in the future. I ask the Senator, in order that I may get his view, how are we to prevent that thing happening except by adequate preparedness on the sea?

Mr. BORAH. I presume the Senator was not in the Chamber a few moments ago.

Mr. WATSON. No; I was called out.

Mr. BORAH. In the first place, I would postpone the actual building of additional ships for the Navy until I could be absolutely satisfied, first, that there could be no agreement between Great Britain and Japan and the United States and the other naval powers with reference to the size of the respective navies; and, secondly, that there could be no agreement with reference to the rights of neutrals at sea. I would bend our energies to bring about those things. And I would proceed with such clarity and certainty of purpose that a failure to secure an understanding would and could be regarded as final and therefore a challenge for us to proceed.

I do not think the danger is so immediate and imminent as to necessitate any action other than an honest effort to come to an understanding with those nations.

Mr. WATSON. How, then, does the Senator construe the Geneva conference?

Mr. BORAH. As I said a moment ago, the thing that troubled the conferees in the Geneva conference was the question of commerce, just as I am speaking of it here.

Mr. WATSON. Certainly.

Mr. BORAH. We avoided the discussion of this matter at the disarmament conference in 1921—that is, the discussion of the rights of neutrals. We avoided a discussion of it at Geneva, and yet, in my opinion, the reason why we were unable

to get any limitation upon cruisers and submarines at the disarmament conference in 1921, and the reason why the Geneva conference failed, was because of the fact that they had no understanding with each other as to the right to the use of the sea. What both countries and all countries were seeking to do was to protect their commerce. That is what they had in mind. The method of protecting it by an agreement or understanding as to the rights of neutrals was not undertaken at either place. Great Britain thought she could protect her commerce by her 6-inch guns. She has her coaling stations and her naval bases scattered all over the world. She can coal where we can not.

Mr. WATSON. That is true.

Mr. BORAH. She does not need the size of cruiser that we do, or the size of guns that we do.

Mr. WATSON. That is true.

Mr. BORAH. But she had in mind protection of her commerce. It was not a question of the difference in the size of the guns, except as those guns are applied to the protection of the commerce of the country. When we came to consider our guns we again considered what was necessary to protect our commerce. There was no rule, no law, no guide for the protection of it. Both of them were thinking of their commerce. What I say is, let us make a determined effort to come to an understanding, first, upon this question of the freedom of the seas, and, secondly, as to the use of the Navy under those conditions.

If we can not reach an understanding—and we can well afford to be patient; we can well afford to bide our time; we can well afford to make any reasonable sacrifice to bring it about—then, if we can not get it, we shall know our duty and we will be prepared to discharge it.

Mr. WATSON. Mr. President, does the Senator really believe that the fact that Great Britain had more cruisers than we had, and would have been compelled to scrap some in order to come down to a common basis, had nothing to do with the outcome of the Geneva conference?

Mr. BORAH. I think the basic proposition was the question of protecting the commerce of the respective countries. Great Britain did not expect any deliberate attack from the United States that she would ever have to use her cruisers to repel.

Mr. WATSON. That is quite true; but at the conference in Washington she was entirely willing that we should scrap capital ships; in fact, she depended upon us to do that, she scrapping practically none and we hundreds of millions of dollars' worth, because at that time we were first in that kind of naval construction. At the Geneva conference she was first in cruiser construction. Is not that true?

Mr. BORAH. Yes.

Mr. WATSON. She would have been called on to make a great sacrifice as compared to anything we would have been called on to make, and she did not choose to do it and declined to enter into an agreement to do it. Is not that true, I ask my friend?

Mr. BORAH. Yes; I think that entered into the matter; but what was the moving power behind all of it?

Mr. WATSON. A desire to protect commerce.

Mr. BORAH. Exactly. If we can protect commerce in a different way than that of building cruisers, is not the Senator in favor of doing it?

Mr. WATSON. Why, yes; if there be any way to do it; but I do not know how it can be done unless we adequately prepare and let the world know that we intend adequately to prepare, just as they are doing. The Senator well knows, as well as anybody in the world, that both in letter and in spirit they violated the terms of the 1921 disarmament conference and we did not.

Mr. BORAH. No; I do not admit that. I do not feel that Great Britain has violated that treaty.

Mr. WATSON. And even after they entered into the Kellogg peace pact they paid no attention to it. They have gone on building since that time, regardless of the fact that they were entering into that pact.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. ROBINSON of Arkansas. The Senator from Indiana has made a very important statement. In what respect did the other parties to the Washington conference violate the agreement as to limitation of armaments?

Mr. WATSON. The Senator well knows what England proceeded to do after that agreement was entered into. It has all been set forth here. I have not the figures. They violated it, in spirit only, in this respect——

Mr. ROBINSON of Arkansas. Oh, well, now, wait just a minute.

Mr. WATSON. No; I want to answer the Senator's question.

Mr. ROBINSON of Arkansas. All right.

Mr. WATSON. In this respect only: We agreed to scrap to the basis of 5–5–3 with England and Japan. That is correct; is it not?

Mr. ROBINSON of Arkansas. No; we agreed to scrap——

Mr. WATSON. On capital ships.

Mr. ROBINSON of Arkansas. We agreed as to capital ships, battleships, first-class battleships.

Mr. WATSON. Yes; and aircraft carriers.

Mr. ROBINSON of Arkansas. Yes.

Mr. WATSON. We did come down to that common basis. There was no agreement as to cruisers.

Mr. ROBINSON of Arkansas. No.

Mr. WATSON. But they immediately started out to build cruisers on a great scale.

Mr. ROBINSON of Arkansas. Very well. There being no agreement as to cruisers, how can the Senator say that the building of cruisers by a party to the Washington conference was in violation of the agreement entered into there?

Mr. WATSON. In spirit.

Mr. ROBINSON of Arkansas. I do not think that statement is warranted. It is an important statement that the Senator has made.

Mr. WATSON. I think it is entirely warranted. In other words, my idea is that they took advantage of a situation in a manner in which they were not warranted in taking advantage of it.

Mr. ROBINSON of Arkansas. The Senator well remembers that there was a positive refusal upon the part of some of the parties to the Washington conference to enter into any agreement limiting cruisers or submarines and some other classes of vessels.

Mr. WATSON. That is quite true; but was there a single soul who attended the Washington conference who believed, or did the honorable Senator from Arkansas himself believe, at the time that conference was held, that growing out of that conference—animated, as it was, by a spirit of disarmament and of complete fairness on the part of all nations—England would immediately begin to build largely of cruisers, even though cruisers had not been mentioned in the contract?

Mr. SHORTRIDGE. Destroying the parity of 5–5–3; that is the point.

Mr. ROBINSON of Arkansas. Mr. President, having refused to enter into any agreement respecting the limitation of other than first-class battleships, having expressly declined to make a contract with respect to cruisers, I can not say that it was a violation of the terms of the Washington conference, either in letter or in spirit, for the parties to that conference to proceed with the construction of vessels which they had declined to limit in the conference. It is a queer process of reasoning that prompts the Senator from Indiana to conclude that having thrashed the matter out in the conference, and having failed or refused to enter into any agreement respecting the limitation of these other vessels, anyone might not have anticipated that the logical result would be the building of those vessels not limited.

The effect of the conference was that we were first in sea power by virtue of the battleships we then had and those that we had under process of construction. When we destroyed them, we assumed a subordinate position in that particular.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator yield to the Senator from California?

Mr. ROBINSON of Arkansas. I have not the floor. The Senator from Idaho has the floor. I shall be glad to answer the question if I can.

Mr. BORAH. I yield.

Mr. SHORTRIDGE. Was not the dominant, controlling thought and purpose of the agreement arrived at to preserve a certain relative strength of the three navies, namely, 5, 5, and 3? And while it is quite true that there was no specific agreement as to certain types of war vessels or war instruments, was not the spirit of the conference and the agreement to keep and maintain the relative naval strength at 5, 5, and 3?

I gathered that that was the idea of the Senator from Indiana.

Mr. WATSON. Precisely; entirely.

Mr. ROBINSON of Arkansas. In answer to the Senator's question, I do not think that any person can say truthfully or accurately that the effect of that conference was to impose the ratio of 5–5–3 on any other class of naval construction than that pertaining to first-class battleships; and the fact that the conference refused to enter into any such agreement is a sufficient answer to the Senator's question. They expressly limited first-class battleships and they declined to limit cruisers; and anyone with a reasonable knowledge of history might have anticipated that there would occur just what did happen.

We entered the conference with a greater sea power than perhaps any other nation, due largely to our supremacy in first-class battleships. We emerged from it in a subordinate position. There is not any doubt in my mind about that.

Mr. WATSON. That is entirely right.

Mr. ROBINSON of Arkansas. I do not think it is promotive of a proper understanding of this subject to insist that bad faith was displayed on the part of any party to that conference by pursuing a policy of naval construction with respect to ships that were not limited by that conference, particularly in view of the fact that no agreement was entered into in the conference after the whole subject had been discussed at great length. I think anyone might have anticipated that Great Britain would build cruisers, that Japan would build cruisers, and that by virtue of the conference the only limitation that would result would be in the ships in which the United States stood first.

Mr. BORAH. Mr. President, I think the very fact that they refused to be limited indicated what they were going to do.

Mr. ROBINSON of Arkansas. That is exactly the view I am taking and expressing; and I can not understand how anyone can express great disappointment at the building of cruisers by Great Britain in view of the fact that she refused to enter into any agreement to limit them.

Mr. SHORTRIDGE. I have expressed no disappointment.

Mr. ROBINSON of Arkansas. The Senator from Indiana has.

Mr. WATSON. As far as the letter of the agreement is concerned, they lived up to it.

Mr. ROBINSON of Arkansas. Yes.

Mr. WATSON. But so far as the spirit was concerned, which was one of disarmament and one of coming down on the sea to the parity of 5-5-3, I do not think Great Britain did live up to it.

Mr. GLASS. Does the Senator think, if I may inquire, that France has been guilty of bad faith because she has persisted in building submarines, when she expressly declined to permit submarines to be regarded as——

Mr. WATSON. If nations are to act in absolute good faith——

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. WATSON. Pardon me. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. WATSON. I obey the commands of the Chair. If nations are to act in absolute good faith, if nations come together with an agreement to disarm, and they agree in terms as to disarmament and as to how far it shall be carried, and then if, after that, certain nations proceed to arm along other lines, I think their action is a violation of good faith and of the real spirit of a conference of that character, which is disarmament on the sea.

Mr. GLASS. Does the Senator think France has been guilty of bad faith in persisting in building submarines?

Mr. WATSON. She may not be from her viewpoint. She is from mine.

Mr. GLASS rose.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. Let us get back to the subject.

I want to read a concluding declaration from Lord Wemyss's address, which says:

That declaration—

The declaration of Paris—

is a mere declaration of intention; it is binding, of course, upon its signatories so long as they remain signatories, but there is no reason, moral or legal, why any of them should not retract from it at any time they like. If, therefore, it could be decided by the Government, and by them made known to all the world, that in any future war in which we might unhappily be engaged our fleet would be used with its full effective strength, as in the old days—

Prior to the declaration of 1856, when there was no restraint—

our power in the world would become once more what it was in the past—a naval, and not a military one, not only securing us against the necessity of ever again having to break forth into vast military operations, but securing also Europe in a large degree from the continuation or the extension of any military conflagration that may break out there.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. Just a minute, and I will.

Here, Mr. President, is the clear declaration that it is to the interest of Great Britain to recur to the times prior to 1856, when there were no supposed limits upon the power of belligerents, when it was under no obligation to respect the rights of neutrals; that if that can be the policy of Great Britain again, Great Britain is coming into her own in complete supremacy of the sea, as she enjoyed that supremacy in those days. I think there is no question which presents itself to this body and to this country so serious as that question, as presented by the debate in Parliament which I have just read, Great Britain contemplating, through its spokesmen, the policy of utterly disregarding all neutral rights.

That being true, Mr. President, is it not incumbent upon us, in justice to our own people, in justice to our taxpayers, in justice to the future peace of the world, to inquire if that is to be the policy, or if the very opposite may not be established as the policy, to wit, the complete recognition of the rights of neutrals at sea? Unless we can have that understanding, while I do not like to engage in prophecy, I venture the opinion that in 1931 the last vestige of the disarmament conference will be wiped out, and the two great nations will engage in building navies according to what they believe is necessary to protect their commerce. And if we come to building a Navy to protect commerce we must not only build against England, but we must build against any combination at sea that England can make; and if that were the case, the future to me would have nothing in store save that of a fearful burden of taxation upon the American people, and possibly in the end another cataclysm like that of 1914.

Mr. HALE. Mr. President, with the purpose of the Senator's resolution I am entirely in sympathy. I find, on looking over the records of the Naval Affairs Committee, under date of May 3, 1928, the following:

The committee then took up the proposed amendment submitted by Senator BORAH with regard to the restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea, etc. It was agreed that the proposed amendment be not added to the bill; but that should Senator BORAH offer the same on the floor of the Senate when the bill is before the Senate, the chairman be authorized to accept it.

I am entirely willing to accept the amendment offered by the Senator from Idaho. I must say, however, that I can not agree in any way with the reasoning of the Senator——

Mr. BORAH. The Senator will remember the old English chancellor who said on one occasion that "Your reasoning is d—— poor, but your conclusions are all right."

Mr. HALE. I say, Mr. President, that I can not understand the reasoning of the Senator when he says that if we take out the time limit we are going to be in a stronger position to force Great Britain and other countries to enter into an agreement about the rights of neutrals.

Mr. BORAH. Let us defer that for the present. I want to complete this matter.

Mr. HALE. I thought the Senator had finished.

Mr. BORAH. No; I have not finished; I have not had a chance to finish.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator for a question.

Mr. SHIPSTEAD. The Senator has mentioned the agreement of Paris of 1856. In Paris an agreement was reached determining the rights of neutrals. If I am not mistaken, that agreement was again entered into by the declaration of London of 1909.

Mr. BORAH. The declaration of London went much further. It undertook to define conditional and unconditional contraband, and went much further; but the declaration of London was never accepted by Great Britain.

Mr. HALE. Or any other government.

Mr. BORAH. So she was never bound by it; but the declaration of Paris was accepted by Great Britain. But the United States never accepted, though we were willing to accept it if private property should be free from seizure at sea.

Mr. SHIPSTEAD. Did not Great Britain accept the declaration of London?

Mr. BORAH. No; Great Britain did not accept the declaration of London.

Mr. SHIPSTEAD. I thought there was a great deal of discontent among certain of the English people, because the British Government had signed that treaty with the United States.

Mr. BORAH. It was thrown out in the House of Lords. It never became binding on Great Britain.

Let me read the declaration of Paris, which the learned gentleman was discussing here, in order that we may have before us just what he had in mind when he said that they ought not longer to be bound by it. The declaration of Paris provided:

1. Privateering is and remains abolished.

2. The neutral flag covers enemy's goods, with the exception of contraband of war.

3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

That was the declaration of Paris, which they find onerous and too restrictive at this time.

Mr. SHIPSTEAD. May I ask the Senator another question? During the last World War we heard a good deal about the command of the seas. Was there anything done by Great Britain at that time that was not done prior to 1856, so far as control of commerce at sea was concerned?

Mr. BORAH. No; I think Great Britain used the same means to effectuate her ends that she would have used had the declaration of Paris never been made.

Mr. SHIPSTEAD. In fact, she had command of the seas?

Mr. BORAH. Yes; exactly. I do not want to leave the English side of the discussion without saying that there is a tremendous sentiment in England in favor of the freedom of the seas. Whether it extends to the present Government or not, I do not know.

Mr. WATSON. Mr. President, will the Senator be kind enough to define what he means by the expression "freedom of the seas" from the English standpoint?

Mr. BORAH. I can not, from the English standpoint.

Mr. WATSON. The Senator says that there is a great deal of sentiment in England for freedom of the seas. What does that mean from the English standpoint?

Mr. BORAH. If I may use now that subdivision of sentiment in England to which I am referring, then by "freedom of the seas" they mean exactly what I am contending for; that is, the right to carry all commerce except actual munitions of war, and to break a blockade.

This article in the Nation, under date of December, 1928, states:

At the root of Anglo-American differences there lies the question of sea law in time of war. At present there are wide differences of opinion as to the rights of a belligerent to interfere with neutral commerce; and very serious friction arose with the United States in the early years of the late war over the rights which we claimed and the way in which we exercised them. To us the Americans seemed exasperatingly small minded in badgering us, when we were fighting for our existence, with the miserable commercial grievances of this citizen of Boston or that citizen of Chicago. To the Americans, we seemed to be exploiting the fact that American opinion was prevailingly pro-Ally, and therefore unwilling to press its protests to the last extremity, so as to prejudice neutral rights, which represented in their eyes an important principle. This experience bit more deeply into the American consciousness than we perhaps realize, and explains many subsequent Anglo-American misunderstandings.

* * * * * * *

In an able article in Time and Tide, of December 9, Mr. Leonard Stein quotes certain passages from Mr. Gibson's concluding speech at the Coolidge conference, and draws the following conclusion:

"Reading between the lines, it is fairly clear that what lay behind American obstinacy on the question of the 8-inch guns was—at least in large measure—a fixed determination to challenge, in any future war at sea, the unlimited interference with neutral commerce, which was an essential feature of the British blockade of Germany."

This does not, in our opinion, overstate the case. If ever again we attempt to exercise belligerent rights at sea, whether in execution of the covenant or otherwise, we shall have to reckon with that "fixed determination," to which Mr. Stein refers. It would seem wiser on every ground to reckon with it in advance of any such contingency, by coming to a clear agreement with the United States and other powers on the definition of sea law.

But, however that may be, how near a thing it was that the blockade hurt Germany more than the submarine hurt us! Just a slight change in the relative effectiveness of submarine attack and anti-submarine measures and the weapon of economic pressure would have been turned against us. Is not this a warning? If we are the strongest naval power in Europe, we are also the people which is easily the most dependent on uninterrupted supplies from overseas. If we have the most to lose in the former capacity from a restriction of belligerent rights, in the latter capacity we have by far the most to gain. Whether we stand to gain or lose on balance depends on the technical conditions of the time, which change, as all history shows, with extreme rapidity, and which, as the portent of the submarine suggests, are changing now in a way which diminishes the importance of what we stand to lose and enhances the importance of what we stand to gain.

But that is not all. There is a big difference in kind between what we stand to lose and what we stand to gain. We stand to lose in the power to exert economic pressure on other peoples—a weapon of offence, and, if it ever operates effectively, a very cruel one. We stand to gain in the security of our own people from starvation. Is not this latter object one which we should rate higher than the former, even from a narrowly self-interested standpoint?

There are public discussions of this matter which lead me to believe that there is a very strong public sentiment in England against the dominancy of the sea, or the assumed dominancy of the sea, which England has heretofore undertaken to maintain. But whether the sentiment is there or not, it seems wise upon our part to ascertain whether the English Government proposes to retain the dominancy of the sea established over the sea during the World War, because at the close of the war neutral rights were utterly destroyed; and all efforts to reinstate them, or to rehabilitate them, or to have an understanding concerning them since the war have utterly failed.

If that continues, the proposal will not be 15 cruisers, it will be many more than 15 cruisers, and there will be perfect justification for the increase. The United States, with her tremendous commercial interests, which she must protect just the same as she protects the property of her citizens on land which is entitled to the protection of our country, the United States, with her vast and increasingly great commerce, will protect that commerce. If she can not do it by understanding, by agreement, by law, she will do it by the supremacy of her Navy.

Mr. BRUCE. Mr. President, I wish to ask the Senator from Idaho a question. We are so far below the ratio that was fixed by the Washington conference that I ask if we could not consistently take up this question of the freedom of the seas just as well after we had built the 15 cruisers as before?

Mr. BORAH. Mr. President, I do not want to have the Government spend thirty or forty million dollars for a battleship if there is no need of it.

Mr. BRUCE. I look at it this way: That even if we agreed with England on the freedom of the seas, we should still need as many as 15 cruisers.

Mr. BORAH. We might or we might not. We might come to an understanding with reference to the limitation in regard to cruisers.

Mr. HALE. Does the Senator think England would scrap any of the new cruisers she has just built?

Mr. BORAH. I do not know whether she would or not.

Mr. HALE. From any indication that we have seen up to date in history, does the Senator think she would?

Mr. BORAH. I think that England, of course, will always maintain what she can maintain under any agreement that she may make with us. I would rely on her treaty agreement.

Mr. HALE. Even if a limitation were made as to the rights of neutrals, would not a navy still have to be kept up?

Mr. BORAH. A reasonable navy.

Mr. HALE. Would she not have to have a reasonably strong navy to establish an effective blockade and keep it up?

Mr. BORAH. What I am seeking to do is to avoid the necessity of building against England. If we can have an understanding with reference to our rights, I think that may be provided under certain circumstances. We will always have to have a navy. We will always have a reasonable navy. But a wholly different navy from what we will build if there is no agreement.

The Senator can understand my position, I think, which is that if we can not have any protection of commerce except that of the Navy, we will go ahead regardless of cost, regardless of the question of self-defense, and build according to our idea of what is necessary to protect our commerce.

Mr. HALE. I think it is generally considered that that means a Navy equal to that of any other nation in the world. Beyond that we do not care to go.

Mr. MOSES. Mr. President——

Mr. BORAH. I yield to the Senator from New Hampshire.

Mr. MOSES. If I understand the argument of the Senator from Idaho, he looks forward to a new conference on naval disarmament to take place within the current year or hopes that one may be brought about.

Mr. HALE. No; not on naval disarmament.

Mr. BORAH. I regard this as a part of the program of disarmament.

Mr. MOSES. They are all cognate questions.

Mr. BORAH. It is useless to talk about not building ships if we are not going to have some idea of free use of the seas.

Mr. HALE. The Senator's amendment does not provide for a disarmament conference.

Mr. BORAH. No.

Mr. MOSES. No; and in that view it seems to me it is well understood that no keel can be laid down under this legislation within the current year; that is, I assume that is the case, but if we had the authorization and the money appropriated so that we may lay down the keels, we will be in a much stronger position when we go into the conference which the Senator foresees and which I hope may take place, and in which I trust the question of the freedom of the seas will be finally disposed of and that the question of naval disarmament may be disposed of, and that the Senator's great dream of codification of international law may result. We will be in a much stronger position, I think, in a conference of that sort if we sit down at the table with a stack of blue chips rather than a stack of blueprints.

Mr. BORAH. The Senator is talking about "blue chips." I do not understand that language.

Mr. MOSES. Of course, I am speaking in the vernacular, and I know perfectly well none of my scholarly colleagues will understand it.

Mr. BRUCE. Mr. President——

Mr. BORAH. I yield to the Senator from Maryland.

Mr. BRUCE. I am really desirous of getting at the Senator's view of the subject. I am sometimes inclined to think that this effort of ours to arrive at some basis of naval parity with Great Britain is largely responsible for all the international misunderstanding and distrust which has sprung up between us and Great Britain. Sometimes when a man tries hard to fall asleep he finds it more difficult to do so than when he does not try at all.

Mr. BORAH. Especially if he has an uneasy conscience.

Mr. BRUCE. It seems that the disarmament conference of 1921, instead of resulting in anything practical in the way of real disarmament, simply inspires two nations, which had been on most friendly terms with each other, with a certain amount of mutual misconception and distrust. I do not know whether we will gain anything more, if, indeed, as much, from a similar conference in 1931.

Mr. BORAH. I would not want to take that view of it. It may be possible that we can not accomplish what we would like to accomplish, but would not the Senator feel better if we made an honest effort to bring that result about and failed? Would not he feel better with reference to the future, whatever expense we might incur or if any disaster should come, to know that we had done our part?

Mr. BRUCE. I unquestionably should feel that way if I were looking forward to the conference of 1921 and not looking back at it. But it seems to me that the results which flowed from the Washington conference have been truly unfortunate, so far as promoting anything like a good understanding between Great Britain and the United States. The Senator knows that until we had the Washington conference there was, except during the World War when we were smarting under British interference with our commerce, no distrust of the British people or of the British naval power, and that we had long been in the habit of regarding the British Fleet as a great safeguard to human civilization rather than a menace.

Mr. BORAH. I do not admit that I had been.

Mr. BRUCE. Before the World War came along and our commerce was interfered with, we never thought of trying to build up our Navy to a footing of equality with the British Navy, though some naval officers may possibly have wished that to be done. It can not be denied, I think, that during the World War, after all, the British Fleet was the most powerful arm that the liberty and civilzation of mankind had.

Mr. BORAH. I have heard that argument also made, but I am not going to accept it.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator from California.

Mr. SHORTRIDGE. In view of what the Senator has said, particularly in view of the expressions from the English newspaper and the Member of Parliament, as I assume he was, does the Senator think that there is ground for rational hope that we would accomplish what we all seek to accomplish, and what the Senator seeks to accomplish, by pursuing the course suggested in the proposed amendment? I agree with practically everything the Senator has said and my immediate question may be an idle one, but in view of all that has been stated does he think there is ground for rational hope that England will abandon the position which she appears to have taken?

Mr. BORAH. So far as we are at present situated, we are in the same position we were at the close of the war. I have no means, any more than any other Senator, of knowing what we might accomplish by it, but I know it is the right thing to do if we can, and if somebody does not undertake it, it will never be done. The United States is in position now, and England knows it perfectly well, to build any navy that the United States thinks is necessary to protect her commerce. If we make the proposition to protect it, in part at least, through law and by means of understanding as to what the law should be, it does not seem to me possible that England can refuse. It may be she is just as anxious as we to come to an understanding. Are not her people bending under their load of taxes? Is not there every reason why she should wish to lift that burden? Let us not assume the contrary until we have done our part.

Mr. SHORTRIDGE. If we are to pursue the course indicated by the suggested amendment, will the Senator be good enough to point out the steps to be taken?

Mr. BORAH. As I said in the beginning, I did not undertake to put into the amendment a direction or authority for the President to call the conference.

Mr. SHORTRIDGE. That is what I was leading up to.

Mr. BORAH. For the simple reason that it is not necessary. He may do so if he desires without that authority just as well as with it. But I do undertake to put on record the views of the Senate, the other member of the treaty-making power, with reference to the matter, which would be behind the President if he sees fit to undertake it.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. The Senator is making a very interesting argument. Will the Senator tell me what he means by "protecting American commerce"? Just what does that phrase mean? I have heard it used a great deal in the discussion here.

Mr. BORAH. I mean the right of American commerce to plow the seas undisturbed by any belligerent power unless that commerce is actually carrying munitions of war.

Mr. SHIPSTEAD. In time of war?

Mr. BORAH. In time of war.

Mr. MOSES. Mr. President——

Mr. BORAH. I yield.

Mr. MOSES. Does the Senator mean to limit it absolutely to munitions of war? The Senator will remember that in the early days of the World War a great part of our grievances with reference to our commerce upon the high seas arose with the expansion of the list of prohibited articles which might be carried in neutral bottoms.

Mr. BORAH. I was limiting it to actual instruments or munitions of war.

Mr. MOSES. The Senator will remember the numberless complaints, well founded in many instances.

Mr. BORAH. The Senator has either got to reverse my position or I will have to reverse his. I mean we shall carry all commerce undisturbed unless we are actually carrying munitions of war to the enemy.

Mr. MOSES. But the phrase "munitions of war" may be very narrow.

Mr. BORAH. No; they did not undertake to expand the munitions question. They undertook to expand the question of contraband to include mules and horses, food, and everything else.

Mr. MOSES. Yes; and rubber and cotton and many other commodities which only by a great stretch of the imagination could be considered as being contraband of war.

Mr. BORAH. I was not discussing contraband, which is a much wider term, but actual "munitions of war" is easily defined and well understood.

Mr. MOSES. If that is the Senator's proposal, of course nobody can question the right of a belligerent nation in that respect.

Mr. BORAH. Certainly not.

Mr. MOSES. But when we consider the great number of grievances which we had during the early years of the war, when the dockets of the Admiralty courts in British ports were clogged with cases due to the seizure of our bottoms which were dragged in there, and our consular and diplomatic seal violated more than once in the matter of the mails——

Mr. BORAH. That is what I would undertake to control.

Mr. MOSES. If we are going to have a conference it must take a wider view than that with reference to contraband and freedom of the seas. It should carry the very thing the Senator has been contending for the last 10 years to my knowledge, which goes back to codification of international law, especially with reference to the rights of neutrals on the high seas.

Mr. BORAH. I do not think there is any difference of view between the Senator and myself.

Mr. SHIPSTEAD. Mr. President, will the Senator yield again?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does not the Senator think our commerce was limited or interfered with by belligerents to the extent that we were doing business with the world practically under a license or under the authority of the French and British Governments?

Mr. BORAH. Undoubtedly.

Mr. SHIPSTEAD. Does that constitute protection of American commerce by obtaining a license from a foreign belligerent?

Mr. BORAH. Oh, certainly not.

Mr. SHIPSTEAD. Does not the Senator think it is the business of the Government of the United States to use its Navy to keep the channels of trade open to the United States in time of war, so long as we are a neutral?

Mr. BORAH. I think if we can not keep the channels of trade open by law or by agreement or treaty, then we will keep them open, if we can, by our Navy. I think we have the right, as has been the doctrine of this country from the very beginning, to trade in time of war just as we have to trade in time of peace.

Mr. SHIPSTEAD. I agree with the Senator.

Mr. BORAH. The Senator knows perfectly well that if we can not keep our channels of trade open by agreement and by understanding, into which we are willing to enter, we will have a navy sufficient to protect it.

Mr. SHIPSTEAD. Suppose we have a big navy and are strong enough at sea to keep the channels of trade open, and in the case of war our commerce is interfered with and the Government of the United States sends a note to the belligerent country interfering with our commerce, protesting against its interference, and then the American ambassador who happens to be at the seat of government of that country tells the foreign office of that country not to take the protest of the Government of the United States too seriously, that it is for home consumption, and that nation continues to interfere with our commerce. What good is the Navy of the United States under those circumstances?

Mr. BORAH. That hypothetical question involves a matter which might be very seriously disputed if it were submitted to an arbitral tribunal—that is, as to whether the ambassador did all those things or not. I would not want to say that he did.

Mr. SHIPSTEAD. Would the Senator deny it?

Mr. BORAH. No; I would not deny it, because I have no information upon which I could affirm it or deny it, but I have always had a very serious doubt about whether he did it or not.

Mr. FRAZIER. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. FRAZIER. The chairman of the Committee on Naval Affairs raised the question as to whether or not England might scrap any of her new cruisers if a disarmament conference might be held in the future. At the time of or after the 1921 disarmament conference the United States, as I understand it, scrapped quite a lot of new material. According to a statement of the Senator from Maine [Mr. HALE] a few days ago in a speech on this question 465,800 tons of new construction, on which $150,000,000 had already been expended, was scrapped by the United States. In view of the attitude we took at that time, it seems to me it would be unfair to question England's attitude that she might take in the event of another conference.

Mr. BORAH. Mr. President, I do not consider that we are proceeding upon the theory that the ships which we are proposing to build would really be sufficient to do anything in case of war.

Mr. HALE. They would be sufficient to do something, although not so much as should be done.

Mr. BORAH. Exactly. I think we must be proceeding upon some other theory than that of sufficient protection to our commerce in case of war. We are exercising our judgment as to what is reasonably safe, knowing at the same time that if war should break out it would not by any means be sufficient.

Mr. HALE. But eventually we would have to reach the point that would be safe; and this is at least a start in that direction. I should like to know when the Senator thinks we would be justified in going ahead and building? Since the Washington conference we have undertaken practically no construction, while the other nations of the world have gone ahead with great programs of construction. In the Senator's mind, when are we to begin?

Mr. BORAH. The Senator is considering solely the building programs of other governments.

Mr. HALE. Does the Senator think that we can let all of the other nations get ahead of us?

Mr. BORAH. Let me answer the Senator's first question, and then I will answer the second. The Senator is making a comparison. What I say is that if we could come to an understanding with them during the coming year, either upon the question of the freedom of the seas or as to naval armaments, we could avoid building in the future. It may be that we would want to build these 15 cruisers; it may be that we would want to build more; I do not know; it could be done according to agreement. The Senator does not anticipate that we will actually need these cruisers within the next year or two, does he?

Mr. HALE. Mr. President, we never know when we will need them.

Mr. BORAH. If the Senator really thought there was a possibility of war, and that we would therefore have need of cruisers, he would propose three times or four times the number he is proposing now.

Mr. HALE. I think, Mr. President, that if we have a sufficient number of cruisers there will not be any war, because, on account of our strength, the other nations will not want to have war.

Mr. BORAH. If the Senator really thinks that 15 cruisers would prevent war, I will vote for the bill.

Mr. HALE. I think that they will do a great deal toward preventing war.

Mr. BORAH. Let me call attention to some figures, then.

Mr. HALE. I think they will do a great deal toward preventing other countries trampling on our rights.

Mr. BORAH. Let us see.

Mr. ODDIE. Mr. President, will the Senator allow me to ask him a question?

Mr. BORAH. Just a moment; one at a time.

At the beginning of the war Great Britain had 128 cruisers; she commissioned 75 large armed merchant ships; she built during the war 40 cruisers; and in addition she had the help of the French, Japanese, and Russian cruisers. The Germans, with 4 light cruisers manned with 4-inch guns, sunk 200,000 tons of British shipping and 30,000 tons of allied shipping.

Again, at the height of the war, Great Britain had all together 4,000 armed ships of all kinds trying to prevent her merchant ships from being sunk; but Great Britain and her allies during that time lost 7,000,000 tons of shipping. Great Britain and her allies had 104 cruisers on two trade routes, and 70 of them were hunting for 1 German ship—the *Emden*. If we were building for war, for the protection in time of war, we would not build 15 cruisers, but many more. The Senator has compromised upon the proposition. What I am saying is that the Senator can well afford to defer the building until he makes an effort to see what we shall ultimately have to do.

Mr. HALE. I do not think we will get anywhere if we wait until we can see what we shall ultimately have to do.

Mr. BORAH. That is a difference of opinion between us. Therefore, I can well understand why the Senator wants to go ahead with his program. But I differ with him.

Mr. HALE. The Senator himself has said that he thinks Great Britain would rather have the present comfortable status quo—that is, with Great Britain in command of the seas—and the United States a much weaker nation so far as ships are concerned. If that be the case, why is she willing to enter into the agreement, which the Senator suggests?

Mr. BORAH. If Great Britain could have that condition continue permanently, of course, she would try to do so. I am not anticipating any such program as that. I will undertake to say that Great Britain must yield her dominancy of the sea, Great Britain must come to an understanding as to disarmament, or Great Britain then must build against the United States, which she would not do and she knows perfectly well she can not do it.

Mr. HALE. What is going to make Great Britain do that? Is it not the knowledge that we will otherwise go ahead and increase our Navy?

Mr. BORAH. I do not think that is a controlling proposition at all.

Mr. HALE. Why not?

Mr. BORAH. I have said that I do not think that is a controlling proposition with Great Britain at all. She understands what our program is; she knows perfectly well that we can build all the cruisers that are necessary; but we have made no proposition to Great Britain as to the freedom of the seas; we have not insisted upon any understanding with her; we have avoided the question; we shunted it aside at the disarmament conference; we avoided it at Geneva; we refused to discuss it; and Great Britain has the absolute control of the seas by reason of our acquiescence. Now, when we say that this is the sine qui

non to our ceasing to build ships in order to protect our interests it becomes then a proposition which she must consider.

Mr. MOSES. The Senator should not fail to add that we did not propose it at Versailles.

Mr. HALE. Mr. President, such arguments are heard every time we suggest doing something to increase our Navy; but the President has asked for this bill and high officials of the Navy have asked for it.

Mr. BORAH. The President has asked that the time limit be cut out.

Mr. HALE. But he stressed the importance of passing the bill. Every time we ask for action like this a pacifist movement comes along to thwart it.

Mr. BORAH. Why does the Senator say a "pacifist movement?" That is a worn-out phrase; it has done all the service in this country that it can possibly do.

Mr. HALE. The Senator knows that pacifists are very much interested in defeating this bill.

Mr. BORAH. The pacifists, so-called, have not the slightest influence, in my judgment, upon a single vote on this bill.

Mr. HALE. I do not think they have much, but they are doing their utmost to assert it.

Mr. BORAH. Whether or not there be pacifists in the United States, there are a lot of people who would go to war without hesitancy at all if war were necessary who, nevertheless, believe that the most solemn duty resing upon public men to-day is to avoid the necessity, if possible, and they would go to war just as quickly as would the Senator.

Mr. HALE. The people to whom the Senator refers who would go to war so quickly little realize that a nation can go to war in a prepared state only after years of preparation.

Mr. BRUCE. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. BRUCE. Does the Senator think that if we should enter into an agreement with Great Britain covering the freedom of the seas Great Britain would build any fewer cruisers? That she would not is what I fear. I do not mean to refer to Great Britain alone, but to any country that has a considerable naval armament.

Mr. BORAH. I do not want to take the position that would make my Nation a pharisee among the nations. We are no holier than the other nations. The other nations will keep their word, in my judgment, just as we will. It may be that there are admiralty men and a few leaders in England or in Japan and elsewhere who could compare with a few leaders and a few admiralty men in the United States, but the great mass of the people in England, the great body of the people in Japan, and the great mass of the people in Germany, just as the great mass of the people of the United States, want peace; they want to escape, if possible, the superhuman crushing burden of taxation, and they are just as liable to keep their word as we are.

Mr. BRUCE. I agree with the Senator absolutely; certainly, so far as Great Britain is concerned. She is as fully likely to do it; but that is not the point I had in mind. I am asking whether any great power could afford to stop building cruisers simply because there had been an agreement in relation to the freedom of the seas?

Mr. BORAH. If there is to be no understanding, if there is to be no agreement, if there is to be no law, if there is to be nothing in the way of adjusting our controversies except through force, I undertake to say that the men who are advocating a bill providing for 15 cruisers are not meeting the situation at all.

Mr. BRUCE. I will state to the Senator from Idaho, if he will allow me, that he misunderstands me. I am in favor of a most strenuous effort being made to arrive at an agreement with England as to the freedom of the seas, but I do not think that because we are seeking to bring about such an agreement we should in the meantime not make such a moderate—for that is what it is—addition to our Navy as 15 cruisers.

Mr. BORAH. I am frank to say that I am much more concerned with the question of having an understanding with Great Britain as to the freedom of the seas than I am with reference to 10 or 15 cruisers. That is a secondary matter with me. I would not want to cut this bill down below 10 cruisers at most, but as to that there is a question of judgment. I have talked with an officer who has as fine a record in the Navy, I think, as anyone, who has been in it for years, and he thinks that 10 cruisers would be ample for replacement and to keep our Navy up to what it is now. There is a difference of view.

Mr. HALE. Will the Senator give me the name of the officer?

Mr. BORAH. No; I will not give the Senator the name.

Mr. HALE. I have no desire to bring him under discipline. I am surprised to hear the statement, because I have never heard any statement of that kind coming from a naval officer.

Mr. BORAH. I have heard it.

Mr. ODDIE. Mr. President, will the Senator yield to me?

Mr. BORAH. Yes.

Mr. ODDIE. I should like to observe in connection with the statements that have been made that in this debate we should keep two important considerations before us in order that the question may be clarified and properly understood. The first is the necessity for a balanced fleet. To-day our fleet, in comparison with other great fleets of the world, is not balanced because of the lack of cruisers. The second consideration is that in case the necessity should arise to protect our commerce, under conditions that have been suggested, the cruiser is the ship with which to protect it.

Mr. BORAH. I understand, Mr. President, that the cruiser has really become the battleship of these days. If I were going to build any ships at all, I would build cruisers. I also understand the necessity of having a balanced fleet, but I have heard a great deal about it, and I have never yet known anybody to agree with anybody else as to what is a "balanced fleet." If, however, we ever ascertain what a "balanced fleet" is, I have no doubt that the enchanting beauty of that kind of fleet would justify us in making any appropriation necessary in order to build it—just to have a balanced fleet!

Mr. ODDIE. Mr. President, the maneuvers which our Navy, under all kinds of conditions, has conducted during the last few years have proved the importance and the necessity of having a balanced fleet. I can state, after talking to numbers of the best experts in the Navy, that our fleet is not balanced to-day because of the lack of cruisers.

Mr. BORAH. What therefore is the condition, the real situation at the present time, 10 years after the war? It is this: The highway of nations, the common inheritance of all people, knows no law save the law of force. The "great common," as Captain Mahan called the sea, this indispensable thoroughfare of the nations, is governed through lawlessness and might. When the exigency arises, when the interest is sufficiently strong, no nation may use it with safety unless it has power to compel respect from those who would dominate it. The situation is precisely the same as when Coke declared, in speaking for the King of Great Britain:

> Commanding the seas, he may cause his neighbors and all countries to stand upon their guard whensoever he thinks fit.

Legitimate commerce, the peaceful pursuit of trade, must have an end when the exigency of war suggest it. They may be driven from the ocean overnight. The legitimate fruits of industry, the reward of labor, may be outlawed upon the whim of the selfish edict of a single power. The ship which puts to sea to-day, bound upon a legitimate errand to a distant port, may, upon the coming on of or threat of war, be captured and find itself at the mercy of a stronger power. Could a situation be devised more calculated to plunge us again into a naval race, more fruitful of battleships, of cruisers and of submarines, more likely to bring at last war? When nations understand that all rules have been abrogated, all law rejected, must not they all necessarily arm if they expect to trade? Will they not in the face of all this be prepared to defend by force that for which they can receive no protection under the law? Would they regard that as protection which is less equal in strength than the greatest navy that floats the sea? In the light of these conditions, is there the slightest chance for the reduction of armaments? Is there not something to be achieved ahead of any further disarmament?

Mr. METCALF. Mr. President, I have been very much interested in the eloquent speech of the Senator from Idaho [Mr. BORAH] and the remarks which I desire to make are much along the same line as he has spoken in regard to the freedom of the seas. I ask the indulgence of the Senate for a very few minutes so that I may discuss one important aspect of the cruiser bill. The pacifists and internationalists who are exploiting their every resource to defeat or delay this bill are breeding war. Should they be successful in blocking this important legislation, or in bringing about its modification, we may some day pay a fearful price for our failure to maintain a reasonably adequate navy.

We do not want a navy that will strike fear into the hearts of the people of other nations. We do not want to assume the rôle of bully upon the sea, but we should have, and must have, for our own well-being, a navy approaching the strength of other nations of the world.

The source of all our foreign wars has been upon the sea. An examination of history will prove this to be a fact. It was the ruthless sinking of our ships that brought us into the last great conflict. Prior to our entrance into that war we were a neutral country, trading with neutral countries, and yet our ships were seized time and again by the navies of belligerent nations.

Since the inception of this Republic, freedom of the seas and the doctrine that free ships make free goods have been fundamental principles of our national policy. We have sought persistently, but in vain, to write them into international law. In the Great War the seas were less free than ever before, and all the belligerent European nations scoffed at the idea of either free ships or free goods.

That war closed with what had been termed euphonistically the laws of maritime warfare in a condition of chaos. That condition still exists to-day.

All that we can be sure of is that if Europe engages in another war, our sea-borne commerce again will suffer. We do not vision a war in which the United States shall be engaged. We have no quarrel nor basis for a quarrel with any power. But, unless we are strong enough in cruisers to protect our neutral commerce, and to prevent by show of arms the destruction or the seizure of our ships and our goods bound from neutral port to neutral port, inevitably we shall be drawn into a quarrel that can only end in war.

Our maritime commerce grows. It now totals the stupendous sum of over $14,000,000,000 each year. Imagine what would happen to it if another nation, possessing a powerful navy, should become embroiled with a fellow European power! Again would our ships and goods be seized. But if we have the warships to guard and protect that commerce, if we have a navy approaching in strength that of any, no nation will risk drawing us into the war as an adversary by repeating the outrages which we endured between 1914 and 1917. And if we have that parity of strength, for the first time in history it will become possible to bring about those international agreements for the freedom of the seas that we have sought for more than a century. Without this parity, is Great Britain going to surrender that privilege she so long has claimed—the privilege of ordering and controlling according to her desires all neutral sea commerce when she happens to be at war? Hardly.

Give us the cruisers adequately to protect our commerce when we are at peace and other nations are at war, and the possibility of our being compelled to fight decreases; the possibility of the writing of a new and more civilized code of the sea increases, and the possibility of war diminishes.

This Nation and all nations should insist, once and for all, upon the freedom of the seas for all vessels on peaceful missions. We have every right under the laws of God and man to assume that free ships make free goods when there is any question about their being contraband of war.

New York would be wise in dispensing with two-thirds of her police department or her fire department if the Senate would be wise in defeating, delaying, or modifying this cruiser bill. If a war should break out between England and Japan, between England and Italy, between England and Russia, or between any two of the foremost naval powers of Europe, our commerce would be subjected to seizure and interruption on the part of these powers; and as surely as the sun rises in the east we will be forced into any war which may break out between any two of these powers unless we have a navy with sufficient strength to render protection to our maritime commerce.

The Senate has just ratified a treaty which denounces war as a means for settling international disputes. Let us go a step further toward the guaranty of peace by guarding against the occurrence of international disputes.

Where are differences most likely to arise between America and foreign powers? In the rural districts of foreign countries? On the streets of foreign cities? In the shops of foreign business men? In the homes of foreign citizens? Hardly. They are most likely to originate upon the open seas by the interruption of our foreign commerce in time of war between foreign powers. It is the possibility of such differences that this legislation is intended to diminish.

The United States is now the wealthiest Nation in the world. If we are forced to build large navies, we can do so with less burden upon our people than can any other power. But we do not want naval competition. This is a gesture in behalf of peace. Our Navy is far inferior to that of Great Britain, and until it approaches equality we are inviting interruption in our foreign commerce. If we have an adequate navy, the freedom of the seas will assume the rôle of an inviolable and unwritten international law. By defeating this bill we are courting trouble. By passing it we are wooing peace.

Our foreign trade is increasing rapidly. We are increasing and should continue to increase the proportion of American ships carrying American goods. But our commerce can not continue to expand, and our prosperity can not continue its proportionate increase, until we can insure against interruption of that commerce.

The United States entered into the conferences of 1921 with wholesome spirit. We willingly sacrificed more than England and Japan combined. We will not be violating that spirit by building these few cruisers as a guaranty against our being forced into another war.

I do not question the sincerity of England's good will toward America; but a foreign trade of over $14,000,000,000 is too great and too important to remain at the mercy of a foreign power, however friendly that power may be. I would not urge the construction of a single cruiser for the purpose of war at this time, but I do urge the construction of at least 15 cruisers for the purposes of peace.

We all know that peace between nations is to a great extent dependent upon conditions within nations. There is not a man, woman, or child in the United States who would not be directly affected by any serious interruption of our foreign commerce, and if any foreign power should so menace the prosperity and happiness of our people we would have no alternative for war.

We can make even more remote the possibility of another war by building these ships. They will be floating symbols of the principle of freedom of the seas. They will mean that free ships make free goods.

The PRESIDING OFFICER. The question is on the committee amendment.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine.

Mr. HALE. I ask unanimous consent that when the Senate concludes its session to-night it recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Can not the Senator make it 12?

Mr. HALE. The Senator from Tennessee is a member of the Appropriations Committee. He knows the pressure of the appropriation bills. I want to get through as fast as I can with this bill, and I think the extra hour in the morning will aid us in completing this bill at an early date.

Mr. McKELLAR. There is a great deal of opposition to meeting at 11 o'clock, and we usually lose about an hour before we get started anyway. I hope the Senator will make that 12 o'clock. I am just as earnestly in favor of the Senator's bill as he is himself, and I want to see it pushed through; but, really, I doubt if we can make any time by meeting earlier.

Mr. HALE. I hope the Senator will withdraw his objection.

Mr. McKELLAR. The leader on this side is not here. Has the Senator conferred with him about it?

Mr. HALE. I conferred with the Senator from Arkansas [Mr. ROBINSON] and he said he had no objection to a recess until that time.

Mr. McKELLAR. If he has no objection, I have none.

Mr. HEFLIN. Mr. President, I just want to suggest to the Senator from Tennessee that the session is drawing to a close. It is only a question of time when we are going to have to have night sessions, and I think we had better move up a little in the morning. I do not object to meeting at 11.

Mr. McKELLAR. I withdraw my objection.

Mr. HALE. I agree with the Senator. I will say that if this bill drags along, I shall certainly ask for night sessions also.

Mr. McKELLAR. I think the Senator ought to do so.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Maine?

Mr. BROOKHART. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. BROOKHART. I am interested in every phase of this discussion. I have a meeting of the Military Affairs Committee that I want to attend until noon to-morrow, and there are other Senators in the same situation; and nothing will be gained by forcing this matter. This bill will come to a vote quicker by open, full debate than in any other way.

Mr. HALE. That is what I want to see; and I think Senators can arrange their engagements so as to meet at 11.

Mr. BROOKHART. You will not get it by crowding the hours. It will be impossible for me to arrange mine—absolutely impossible; and so, if the Senator insists, I shall have to object.

Mr. HALE. If the Senator wishes, he can object.

The PRESIDING OFFICER. Is there objection?

Mr. HALE. I understand that the Senator from Iowa objects to making it 11 o'clock.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement requested by the Senator from Maine?

Mr. BROOKHART. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Iowa objects. The question is on agreeing to the committee amend-

ment. Those who favor the amendment will say "aye." [A pause.] Those opposed will say "no."

Mr. BROOKHART. Mr. President, as I understand, the amendment under consideration is the Dallinger amendment?

Mr. HALE. This amendment is the Dallinger amendment as amended by the committee. I will explain it if the Senator desires.

Mr. McKELLAR. O Mr. President, I did not understand that that was the amendment.

Mr. HALE. There has been no vote on it.

Mr. McKELLAR. But the Chair has just started to put the question on the amendment, and there is to be an amendment to that amendment. If the question has been put, I move that it be reconsidered. I ask unanimous consent to that effect.

Mr. HALE. I did not understand that the question had been put.

The PRESIDING OFFICER. It was not agreed to.

Mr. HALE obtained the floor.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. What is the matter immediately before the Senate?

The PRESIDING OFFICER. The Senator from Maine was recognized.

Mr. HALE. Mr. President, the matter before the Senate now is the Senate amendment to the so-called Dallinger amendment that was put in on the floor in the House of Representatives.

The Dallinger amendment, as adopted by the House, provided:

That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States.

The Senate Naval Affairs Committee put in the following amendment:

except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

The effect of the committee amendment is to stop what would otherwise prevail if the bill went through as it passed the House; that is, the obligation on the part of the Government to construct everything that has to do with these ships in the navy yards, no matter whether they were at the present time constructing them or not. For instance, a chronometer would have to be made in the yard, and all sorts of other appurtenances of ships. It is clearly out of the question to leave the matter as it was in the bill as it passed the House, and the Senate committee has taken care of that by the amendment we have offered.

Mr. McKELLAR. Mr. President, has not a similar provision been placed in naval appropriation bills before, and whenever it has been so placed in such a bill is it not true that the Secretary has found always that it was cheaper, according to his view, to procure the materials and parts by contract or purchase?

Mr. HALE. Mr. President, for a number of years the annual appropriation bills have contained a labor clause reading as follows:

And that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

That clause has been in the last four annual appropriation bills. Acting under that, the Secretary, as far as cruisers are concerned, has provided that three of the eight we already have building should be built in the Government yards, and five in private yards.

Mr. McKELLAR. Mr. President, the so-called Dallinger amendment provides:

That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States.

Now, it is proposed to amend that amendment by placing it in the discretion of the Secretary of the Navy to go to private yards for certain materials and parts thereof. Why do we build these yards, naval gun factories, naval ordnance plants, or arsenals of the United States, at great cost and expense, unless we are going to use them? Certainly we ought to use them to the extent that is provided in the original proviso.

Mr. HALE. We are going to use them.

Mr. McKELLAR. If we are going to do that, why put it in the discretion of the Secretary of the Navy, who heretofore has always used that discretion in behalf of the private plants? I do not believe we ought to do it.

Mr. HALE. I do not think he has.

Mr. McKELLAR. I want to say to the Senator that while I am in favor of his bill, I am going to fight this amendment to the Dallinger amendment until there is a vote on it. I do not intend to let it pass if I can help it.

Mr. HALE. With the amendment the Senate committee has put in, eight of the cruisers will be built in Government yards, and possibly more.

Mr. SWANSON. Mr. President——

Mr. SHORTRIDGE. The Senator is objecting to the proposed amendment to the Dallinger amendment?

Mr. McKELLAR. That is all; I am in favor of the Dallinger amendment.

Mr. SHORTRIDGE. The chairman can explain why that was put in.

Mr. HALE. It simply provides that certain parts which are to be used, which can be bought cheaper outside, may be bought outside.

Mr. McKELLAR. But it leaves it to the Secretary's discretion, and great complaints have been constantly urged before Congress to the effect that, without regard to the real expense, the Secretary of the Navy has uniformly, under a provision of this kind, held that the article can be gotten cheaper in a private plant, or by contract, than if procured in a Government plant. If we are going to maintain these Government plants, we ought to use them. We certainly ought to use them to the extent of 50 per cent. Here is a provision that gives the Secretary of the Navy an opportunity not to use them, and I do not propose that he shall be given that discretion if I can help it.

Mr. SHORTRIDGE. Will the Senator have the goodness to look at the language of the proposed amendment, "except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government." It may be that a Government yard may be unable to furnish the particular part necessary to the construction of a cruiser.

Mr. HALE. Does the Senator think that the Navy ought to go into the business of making chronometers, when they do not make them now, just because of this Dallinger amendment?

Mr. McKELLAR. Is that the only article that must be procured outside?

Mr. HALE. I am simply using that as an example.

Mr. McKELLAR. Oh, yes; the Senator is using that as a reason for this amendment, but the fact is that the amendment takes in all of the parts, and all of the material, if the Secretary should want to use his discretion to buy them outside, and that I am opposed to. I think that if we are going to have these navy yards and arsenals, we ought to use them, and if we are not going to use them, we ought to abolish them, because it costs the Government an enormous amount of money to keep them up.

Mr. HALE. But the Senator does not want to involve the Government in an unnecessary expense, does he?

Mr. McKELLAR. I have no doubt in the world that these parts and this material can be produced cheaper in Government plants.

Mr. HALE. Not all of them.

Mr. McKELLAR. I have no doubt that all of them can be, and if they can not, we have no business having these Government plants. They are a tremendous expense, a tremendous drain on the Government, and we ought not to keep those plants unless we are going to use them to the extent of at least one-half, as is provided in this bill.

What the amendment does is to provide that one-half of the cruisers shall be constructed in Government plants, and then to give to the Secretary of the Navy the discretion to have practically all the work done outside if he wants to, and I am opposed to that.

Mr. SWANSON. Mr. President, the bill as it passed the House contained what is known as the Dallinger amendment, which provides that half the cruisers shall be built in Govern-

ment navy yards, and half in private yards. I believe in such a division.

Mr. McKELLAR. Let us make that provision.

Mr. SWANSON. If the Senator will permit me—he would not let me interrupt him.

Mr. McKELLAR. I did not have the floor.

Mr. SWANSON. Let him be a little content while I explain this. A man must be equally generous with all in yielding time.

Mr. McKELLAR. If a man could not be generous to anybody as delightful and lovable as is the Senator from Virginia, he could not be generous to anybody in the world.

Mr. SWANSON. If the Senator will permit me, this is drawn in this way because there are a great many things which the private yards do not produce themselves. People have patents on certain things. There are certain bolts, there are certain settings, on which there are patents, and it is utterly impossible to provide all the materials in any navy yard, unless the Government should build new factories and install new machinery, and build everything new. That is why the amendment is drawn in this way.

We intended to have it drawn so that the navy yards could be on an equality with the private yards in competing and doing the work.

As the Senator has said, the amendment is possibly too broadly drawn. I do not remember whether I was present in the committee when this particular amendment was adopted or not, but I have insisted that the Government navy yards should be on an equality, so far as competition was concerned, with the private yards. There are certain materials which the private yards themselves can not manufacture as cheaply as they can buy them, and every navy yard has to buy them. The Government yards desire to have the matter fixed so that the private yards will not have an advantage over them in the matter of certain materials which the Government yards have no factories and no machinery for making at the present time.

I suggest that the amendment be allowed to go over until tomorrow, and in the meantime some language may be framed which will put the Government navy yards on an absolute equality in this respect with the private yards. If we do not do that, the officials will come in and say that the construction of the ships in the Government navy yards would cost 50 per cent more than if constructed in private yards.

I have an idea that this goes a little further than the suggestion that was made in connection with giving the navy yards a fair opportunity to compete with the private yards. I see how under this the navy yards might be made simply assembling plants.

Mr. HALE. The Senator was present when this amendment was adopted in the committee.

Mr. SWANSON. I do not remember being present, but if I was present I may say that any mistake that is made ought to be corrected. I am not willing to have the navy yards made nothing but assembly yards.

Mr. HALE. The amendment reads:

except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

Mr. SHORTRIDGE. What is wrong with that?

Mr. McKELLAR. That gives him the discretion to say that it may all be procured by private contract. In other words, it nullifies the Dallinger amendment. The Senator from Virginia is exactly right; if there is some article, such as a lamp burner, to which I believe the Senator referred a while ago, which the navy yard does not manufacture, I would be willing to have that excepted, because that would be a sensible thing to do. As I understand it, that is what the Senator from Virginia agreed to. But this, instead of carrying items of that sort, virtually puts it in the hands of the Secretary of the Navy to get these materials and parts—all of them—at private yards. Knowing the Senator from Virginia as I do, and being familiar with his knowledge of the Navy, I knew that this was not drawn by his fine Italian hand.

Mr. SWANSON. I gathered from what the Senator from Tennessee said that under this the Government navy yards might be made mere assembling plants, and I am not willing to agree to that.

Mr. HALE. The committee is not willing to have that done.

Mr. SWANSON. When I heard the Senator from Tennessee suggest that this might have that result, my suggestion was to let the amendment go over and see if we could not draw one that would get rid of the trouble that is found in the Dallinger amendment.

Mr. McKELLAR. I hope that may be done.

Mr. SWANSON. If what the Senator suggested were true, it would put the navy yards at a great disadvantage. When you try to remedy one provision you may destroy the effect of another by simply making the navy yards assembling plants. There is no use in doing that.

Mr. SHORTRIDGE. Of course, that was not the intention of the committee. I think the chairman has sufficiently explained the matter. A little careful reading, I say with respect, I think will show that there is no danger whatever unless Senators have no faith at all in the Secretary of the Navy.

Mr. McKELLAR. We know what he has done in the past under similar provisions.

Mr. SHORTRIDGE. Of course we do.

Mr. HALE. Does the Senator find any fault with the three cruisers that are being built now in the navy yards?

Mr. McKELLAR. I know what the Secretary of the Navy has done. He has decided against Government navy yards in favor of the private plants in a number of cases.

Mr. HALE. This is a fair proportion.

Mr. McKELLAR. The bill says that half of the cruisers are to be built in Government yards, and that is what ought to be done.

Mr. HALE. This goes a little further.

Mr. McKELLAR. Yes; it does, and it is a little more evenly divided. Does the Senator want to destroy the Government plants and arsenals?

Mr. HALE. No.

Mr. McKELLAR. He is taking the best means of destroying them.

Mr. GLASS. Mr. President, I would like to destroy some of them, because they are absolutely fictitious and are kept up by Government funds in a most uneconomical way. To that extent they are to the distinct disadvantage of those navy yards that are real navy yards, so that you do not have to build a channel to get a ship into them.

Mr. McKELLAR. There might be a lot in that.

Mr. SHORTRIDGE. Does anyone want to destroy the private yards?

Mr. McKELLAR. Not that I know of.

Mr. BROOKHART. I would like to call the attention of the Senator from Virginia to this proposition; I am not sure just what he meant by it. The way the Dallinger amendment is worded there will be no competition between the Government and the private yards with reference to the building of the ships at all. It arbitrarily gives certain ships to private yards, and the Government has no chance to say anything about the price whatever. Is not that giving them an advantage that ought not to be granted?

Mr. SWANSON. No. If the Senator will permit me, navy yards can not compete in the way the Senator has in mind. The position I take is that if we are going to build these ships in the Government navy yards, there is no use hampering them in such a way that the ships will cost more than if they were built in private yards. There is certain material which they can not supply for the ships unless we create new manufacturing establishments in the navy yards, which we do not want to do. We intended to modify the Dallinger amendment so as to enable them to purchase all material that could not be constructed in the navy yards. We know the Government yards would be at a great disadvantage if they were compelled to furnish every bit of the material. It would merely mean that the ships would cost 50 per cent more than if they were built in private yards. The only purpose of the committee was to get an amendment which would eliminate that difficulty and prevent the necessity for the creation of new manufacturing establishments at the navy yards to furnish all parts of the ships. Some of those parts we must necessarily buy.

Mr. BROOKHART. I think I did not make myself understood. As to those vessels which are built in the navy yards I assume they will be built as cheaply as possible by the Government. There will be no question about that. But it occurs to me that as to the other seven which are to be built outside there is some question.

Mr. HALE. There is nothing in the bill that provides that they must be built in private yards at all. The bill simply provides:

That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards.

Mr. BROOKHART. That I am not objecting to. But, now, read on and see what it says about the others.

Mr. HALE. It does not say anything about private shipyards at all.

Mr. SWANSON. The rest would be built in private yards or in navy yards.

Mr. BROOKHART. That is the point I did not understand. It seemed to me that the navy yards would have no chance to compete, and I thought there ought to be that opportunity.

Mr. SWANSON. The Government has not got the docks and the building ways in the navy yards to build all of them. It would cost a great deal of money to furnish them. I do not think they could build more than half of them without a vast expenditure of money on building ways.

Mr. HALE. As a matter of fact it could not be done anyway because we have not ways enough on which to build them.

Mr. BROOKHART. I had reached a different conclusion in reference to that language than the Senator from Maine seems to have.

Mr. HALE. The bill speaks for itself.

Mr. EDGE. Mr. President, may I make an inquiry? I just came into the Chamber as Senators were discussing the so-called Dallinger amendment. That is not under discussion at the moment for the purpose of adoption, as I understand, but the Senator was merely asking questions about it?

Mr. BROOKHART. Yes; for information more than anything else. I believe it is the question before the Senate for consideration and action, however.

Mr. EDGE. Mr. President, a parliamentary inquiry. What amendment, if any, is before the Senate at the present time?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). The committee amendment is before the Senate.

Mr. HALE. The committee amendment to the House bill, which includes the Dallinger amendment.

Mr. EDGE. As the Senator knows, there are a great many Senators absent who are interested in that particular amendment.

Mr. HALE. The suggestion has just been made that we put the amendment over until to-morrow. I will withdraw it for the present time, but there is one other matter I would like to take up now.

Mr. EDGE. Then the Senator will let the Dallinger amendment go over until to-morrow?

Mr. HALE. Yes; there will be no action taken on it to-night.

Mr. WATSON. Why not take a recess now?

Mr. HALE. Wait just a moment.

Section 5 of the bill provides as follows:

The Secretary of the Navy is hereby directed to present to the Congress on or before December 10, 1928, preliminary plans, specifications, and estimates of cost for the construction of two salvage vessels for use in ship disasters.

The date December 10, 1928, having gone by, it should obviously be changed. I therefore move to amend by striking out, on page 3, line 5, the numerals "1928" and inserting "1929."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 5, strike out the numerals "1928" and insert the numerals "1929," so as to make the section read:

SEC. 5. The Secretary of the Navy is hereby directed to present to the Congress on or before December 10, 1929, preliminary plans, specifications, and estimates of cost for the construction of two salvage vessels for use in ship disasters.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

RECESS

Mr. HALE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The PRESIDING OFFICER. Before putting the question on the motion, the Chair, under an order heretofore made, refers to the appropriate committees sundry executive nominations received to-day.

The Senator from Maine moves that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Friday, January 25, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24, 1929

UNITED STATES ATTORNEY

Wilfred J. Mahon, of Ohio, to be United States attorney northern district of Ohio, vice A. E. Bernsteen, resigned.

PROMOTIONS IN THE NAVY

Lieut. Carl L. Hansen to be a lieutenant commander in the Navy from the 25th day of December, 1928.

Lieut. (Junior Grade) Kent H. Power to be a lieutenant in the Navy from the 3d day of June, 1927.

Lieut. (Junior Grade) Armand J. Robertson to be a lieutenant in the Navy from the 3d day of June, 1928.

Lieut. (Junior Grade) Corydon H. Kimball to be a lieutenant in the Navy from the 1st day of December, 1928.

Lieut. (Junior Grade) Robert W. Morse to be a lieutenant in the Navy from the 30th day of December, 1928.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Joe W. Stryker.

Clanton E. Austin.

Dental Surg. Harry D. Johnson to be a dental surgeon in the Navy, with the rank of commander, from the 1st day of April, 1927.

Passed Asst. Paymaster Tucker C. Gibbs to be a paymaster in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1926.

Ensign Norman A. Helfrich to be an assistant paymaster in the Navy, with the rank of ensign, from the 3d day of June, 1926.

Pay Clerk Charles LeV. Smith to be a chief pay clerk in the Navy, to rank with but after ensign, from the 3d day of June, 1928.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 24, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal Father, this moment, set apart and so sacred, may no rude alarm break in upon us, for Thy merciful condescension awakens in us the feeling of devotion. What shall it profit us if we suceed in one direction and fail in another? Make Thyself felt in every issue of our national life and endow us with every quality necessary for the good of the public service. Always enable us to give encouragement to those aspirations that move men's hearts and lend sympathy in those difficulties with which they are confronted. Again a Member has stopped. The shadow of a great loss is about him. May the agitated heart and the wounded spirit find peace in Him who denied it not to the poorest and the loneliest of the children of men. Through life and death Thou art all sufficient. We thank Thee that Thy promises are not tales of empty love nor words of fabled rest. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red River, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of

the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5093. An act to authorize the issuance of certificates of admission to aliens, and for other purposes; and

S. 5094. An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

JOINT REUNION OF THE NORTH AND SOUTH

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that I may be privileged to insert in the RECORD a little poem with reference to the proposed reunion of the armies of the Blue and the Gray.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks by inserting a poem. Is there objection?

There was no objection.

Following is the poem referred to:

JOINT REUNION, NORTH AND SOUTH

By Horace C. Carlisle

The pages of history never have told,
In all of the realm of unfortunate wars,
So startling a story as that which relates
To southern secession and war 'twixt the States,
Baptizing in anguish the Stripes and the Stars—
And yet the reunion, divine in the end,
Made each warring faction its enemy's friend.

The North and the South have their differences still—
Each section yet stages, apart and alone,
Its seperate reunion—to cherish anew
The long bloody fight 'twixt the Gray and the Blue—
Though sectional hate is now almost unknown.
The great Civil War might have never been fought
Had both sides but known what experience taught.

These separate reunions of both North and South
Are swiftly approaching expectancy's end—
The sickle of time has kept pruning away
The lessening ranks of the Blue and the Gray,
Till few of each faction are left to attend.
Each, judging the future alone by the past,
Knows every reunion is nearing the last.

If these two reunions, divergent in views,
Approaching so nearly their ultimate ends,
Might bury together their wounds and their scars,
Down deep in the folds of the Stripes and the Stars,
And meet in a last joint reunion like friends—
And then should adjourn "sine die"—the sod,
Baptized in His tears, would shout "Glory to God!"

Then out into history as they both pass—
So sweet from forgiveness's heart through its mouth—
All over the world, far and wide, back and forth,
The Star-Spangled Banner would ring from the North,
While Dixie might sing from the heart of the South—
And then, at the last farewell tap of the drum,
From God's great reunion would come home, sweet home.

STATEMENT OF HON. PEDRO GUEVARA, RESIDENT COMMISSIONER FROM THE PHILIPPINE ISLANDS

Mr. WILLIAMS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a statement made by Mr. GUEVARA, Resident Commissioner from the Philippine Islands.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The statement is as follows:

THE PHILIPPINE ISLANDS

Mr. Chairman and gentlemen of the committee, it is with deep regret on my part that I appear before this committee to discuss a question pertaining to the relationship between the United States and the Philippine Islands, as they were defined by the responsible and constitutional leaders of the American people and by the Congress of the United States itself.

Had this existing relation between the United States and the Philippine Islands been properly solved in one way or another by the sovereign power there would have been no occasion to engage in this discussion which is now provoked by the proposed limitation of entry of Philippine sugar and tobacco to the United States and the levying of a duty on coprax, coconut oil, and cordage.

The Filipino people as a whole are opposed to this proposition, though it may seem somewhat inconsistent with their stand in their aspiration for political independence. A thorough discussion of the question, however, will bring home to the members of this committee that the opposition of the Filipino people is fully justified and well founded.

First of all, I wish to emphasize the fact that the Filipino people do not claim any privilege which is not in consonance with the American principles. Furthermore, they are not inclined to claim any right which is not deeply rooted in the principles upon which the relationship between the United States and the Philippine Islands was founded.

The opposition of the Filipino people to the plan of limiting the free entry of Philippine sugar and tobacco to the United States and the levying of duty on coprax, coconut oil, and cordage is founded on the following grounds:

First. It violates the underlying principles of the free-trade relations between the United States and the Philippine Islands.

Second. It violates the fundamental rights of all the people living under the American flag to the pursuit of life, liberty, and happiness.

Third. It will be the beginning of economic slavery in the Philippine Islands and will announce to the world a policy of exploitation of a weaker and less fortunate people.

Fourth. It will lay down a policy on the part of the Government of the United States of setting aside the principle of equal opportunity to all and special privilege to none.

Fifth. It will give birth to a new American policy of extending a greater protection to foreign countries than those which, in the words of President McKinley, were brought by providential designs under the shades and protection of the American flag.

Sixth. The passage of the Timberlake resolution will not have the intended effect of encouraging the development and protection of the beet-sugar industry in the continental United States.

Seventh. It will open the American market to the flood of Cuban sugar to the injury of the beet-sugar industry in continental United States.

Eighth. It will cause an increase in the price of sugar consumed and needed in American homes.

Ninth. It will sanction the un-American principle of considering a country foreign for one purpose and domestic for another.

Tenth. It is against the policy of the Government of the United States to develop the Philippine Islands economically for the mutual benefit of both countries.

The present trade relations between the United States and the Philippine Islands should fall under the principle governing the interstate commerce. It was unhappily termed "free trade," probably because of the uncertain political status of the Philippine Islands under the American flag. To my mind, however, whatever may be the present political status of the Philippine Islands, it is evident and undeniable that that country is now under the American flag and sovereignty. To be under the American flag and sovereignty is, if I am not mistaken, a qualification to acquire those fundamental rights of American citizenship to pursue happiness, life, and prosperity. I will discuss this point later in the course of my remarks.

Now, under the terms of the free-trade relations between the United States and the Philippine Islands it is provided:

"That all articles, the growth or product of or manufactured in the Philippine Islands from materials, the growth or product of or manufactured in the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty." (Tariff act, 1913, Sec. IV, ch. 16.)

It is now proposed to amend this specific provision of the tariff act above quoted, as far as it concerns the sugar and tobacco produced in the Philippine Islands and the levying of a duty on coprax, coconut oil, and cordage, but not as to any product, articles, or growth and manufactured in the United States. The resolution would place the Philippine Islands in a very disadvantageous position as to its exportation to the United States, maintaining, however, the present already advantageous position of the United States as to its articles, the growth, product, or manufacture.

I look at this question as one that should command the most careful attention on the part of the members of this committee. It is worthy to

note that under the terms of the present trade relations between the United States and the Philippine Islands there is already a discrimination against the latter country. It does not establish, as it should, the absolute reciprocity which is the ruling principle in all free-trade relations. The plan suggested would give greater opportunities and advantages to the United States, which is much larger and wealthier than the Philippine Islands. This point alone should cause all fair-minded Americans to disapprove this unfortunate plan which the committee has now under its consideration.

Of course, I am ready to admit that the Congress of the United States, in the exercise of its constitutional authority and jurisdiction, could enact any law discriminatory to the Philippine Islands, notwithstanding the fact that it is under the American flag. The question, however, is, Should Congress pass such legislation, un-American in its nature and oppressive in its character? Should Congress pass any legislation discriminatory to any people because its Government has enough power and strength to enforce such a law? I refuse to believe that the Government of the United States will ever commit itself to such a policy.

This Government was the first to negotiate the treaty restoring to China complete tariff autonomy and guaranteeing its citizens against discrimination. This fact was particularly emphasized by President Coolidge in his message to Congress on December 4, 1928.

It is pertinent to point out that the Filipinos, even if not enjoying the privilege of American citizenship, are nevertheless for all purposes conationals, for they are under the protection of the same flag that protects American citizens and owe allegiance to the same Government. Why, then, should the Congress of the United States pass legislation discriminating against Filipinos who are conationals of American citizens?

At this point I wish to indulge my time now in briefly reviewing the motives and reasons for the occupation of the Philippine Islands by the United States.

It is common knowledge that the occupation of the Philippine Islands by the United States took place only as an incident of the war against Spain. After the American flag was hoisted in that country it was made necessary to define the reasons and motives for such occupation. And so President McKinley, in his message to Congress in 1899, said:

"We shall continue, as we have begun, to open the schools and the churches, to set the courts in operation, to foster the industry and trade and agriculture, and in every way in our power to make this people whom Providence has brought within our jurisdiction feel that it is their liberty not our power, their welfare and not our gain we are seeking to enhance."

Upon another occasion President McKinley said:

"We accepted the Philippines from high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with these high motives. We want to improve the condition of the inhabitants, securing them peace, liberty, and the pursuit of their highest good."

There is no more need to interpret these official utterances of President McKinley in the days when the Philippine Islands were first occupied by the United States, for they are very clear.

The plan proposed is in nowise in accordance with the reasons and motives which prompted the accupation of the Philippine Islands by the United States. It certainly will not foster industry, trade, and agriculture in the Philippine Islands as announced by President McKinley in his message to Congress in 1899. Nor will it make good the "sacrifices" asserted by the President for the high motive of improving the conditions of the inhabitants of the Philippine Islands and to secure them the pursuit of their highest good.

The fulfillment of a duty always presupposes sacrifices, and the plan proposed is a departure from the ideals and principles upon which the occupation of the Philippine Islands by the United States finds justification. It was for this reason that the free-trade relations between the United States and the Philippine Islands was established—to facilitate the pursuit of the "highest good" of the inhabitants therein. Should these free-trade relations be modified in the manner proposed, that "highest good" of the inhabitants of the Philippine Islands, which is the corner stone of the American sovereignty in those islands, will no longer be the ideal of this Nation. On the contrary, the adoption of the said plan will thereafter mean that the "highest good" of a few inhabitants of the United States and Cuba was the reason and motive for the American sovereignty in the Philippines. I have to admit, however, that it is also the duty of this Government to assure and ascertain the "highest good" of its citizens above all. But to my mind it is a question of honor and duty for the American people to cut the tie now holding the Philippine Islands under the American flag if their economic interests are really in conflict.

If the American people believe it injurious in their interest to adjust their policy with the reasons and motives given for holding the Philippine Islands under their sovereignty, there is no other alternative but to free the Filipinos from all political connection with the United States, unless there is a decided plan or purpose to hold them in bondage and oppression.

Ex-President Taft, on October 16, 1907, said:

"The policy looks to the improvement of the people (the Filipinos) both industrially and in self-government capacity. As this policy of extending control continues, it must logically reduce and finally end the sovereignty of the United States in the islands, unless it shall seem wise to the American and the Filipino peoples, on account of mutually beneficial trade relations and possible advantage to the islands in their foreign relations, that the bond shall not be completely severed."

If our present political relationship is no longer mutually beneficial on account of the competition that the industrial and agricultural products of the Philippine Islands may offer or actually offer to American commodities, then, in honesty and fairness to both peoples, the sovereignty of the United States in the islands should be ended, thus permitting the Filipino people to work out their own salvation and destiny. It is unthinkable even to imagine that the American people will be inclined to tie the hands of the Filipinos in order to deprive them of their needed strength and freedom to fight out their existence in these days of intensive and hard struggle for life.

The worst aspect of the matter now under discussion is that the policy proposed in the plan is sought only to be applied to the Philippine Islands, and not to her other outlaying possessions, and this fact alone will show to the members of this committee how resentful the Filipino people ought to be. In passing, I wish to quote what Governor Stimson, of the Philippine Islands, one of the most distinguished citizens and statesmen of this country, said in discussing the propriety of the Timberlake resolution. Addressing the American Chamber of Commerce of the Philippine Islands, on August 15, 1928, he said:

"No words can adequately express the depths of my feeling on that subject, because the attempt to restrict freedom of trade between the islands and the United States represents about the worst possible backward step that could be taken in American policy. It would mean going back to those old doctrines of colonial relations of 300 years ago, which held that the colonies of a country existed solely for the benefit of the mother country and could be exploited at will by that country. It would mean going back to a doctrine which caused the withering up throughout the centuries of the flourishing colonies of Portugal and Spain and would have done it for Great Britain if it had not been for the American Revolution."

Governor Stimson continued to say:

"Just think what it would do to that attempt on the part of America to cultivate oriental trade if our rivals could turn around and point to an attempt at unfairness and injustice to our own people under the American flag in these islands!"

The United States, from 1913 on, has wisely applied to the Philippine Islands the policy of quasi-tariff assimilation. Such a course was not possible before 1913, for, in accordance with Article IV of the treaty of Paris, it was agreed upon that for a term of 10 years from the date of the exchange of the ratification of the said treaty the United States is to admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States. Therefore the application to the Philippines of the policy of tariff assimilation would be injurious to the United States, for the Philippine Islands might become a spot from which Spanish merchandise could be sent to the United States duty free. After the expiration of 10 years agreed upon in the treaty of Paris, the United States immediately applied to the Philippine Islands the policy of quasi-tariff assimilation, thus establishing the free trade between the two countries.

The United States, in order to modify its tariff policy as applied to the Philippines, must concur in three important reasons, to wit: (a) International relations, (b) geographical influence, and (c) interest of consumers.

As far as I am aware, none of these reasons is now in existence to justify the modification of the tariff policy of the United States toward the Philippine Islands. It is but fair to ascertain how, when the United States in 1913 saw fit to apply to the Philippine Islands its present tariff policy, its framers thoroughly considered these three reasons the most important of all, being the international relations and the interests of the consumers, which seems to be the foundation of the tariff policy proposed to this committee.

As to my second point, that the plan violates the fundamental rights of all the people living under the American flag to the pursuit of life, liberty, and happiness.

In the Declaration of Independence of the thirteen Colonies it was declared that—"we hold as self-evident truth; that all men are created equal; that they are endowed by the Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

It is evident from this declaration that the Filipinos will be denied the right to pursue their happiness if the proposed plan is passed by the Congress of the United States. If the United States closes the doors of its market to the Philippine products and at the same time deprives them of the instrumentalities essential to the upbuilding of their markets abroad, it will be tantamount to hindering their economic progress, which is vital to their happiness, prosperity, and life.

The list of grievances of the thirteen Colonies against the British Empire recites among other things the following:

"For imposing taxes on us without our consent."

Under the slogan of "Taxation without representation" the American people fought the greatest and bloodiest revolution the world had ever witnessed, and when victory was attained they formulated and adopted the Constitution for the United States, which is the document from which all the nations take inspiration.

In that Constitution was written that "no tax or duty shall be laid on articles exported from any State" which is essential for the promotion of happiness, life, and liberty of the inhabitants therein. It may be suggested, as it was suggested by Mr. TIMBERLAKE, of Colorado, that the Philippine Islands has not yet acquired the status of a State. In reply to this argument I shall say that the framers of the Constitution, when it was formulated and adopted, never thought that the Union was to acquire outlying possessions by conquest or by any other title, pursuing the colonial designs of Great Britain, against whom they emancipated themselves through the force of arms. It is but logical to think that the framers of the Constitution have not had in their minds to bring under the American flag people to whom the right to pursue happiness, life, and liberty is to be denied. And so the Supreme Court of the United States, in the cases of De Lima *v.* Bidwell (182 U. S. 1) and Fourteen Diamond Rings *v.* United States (183 U. S. 176), said:

"With the ratification of the treaty of peace between the United States and Spain, April 11, 1899, the islands of Porto Rico ceased to be 'a foreign country' within the meaning of the tariff law."

The same doctrine was followed and upheld in the case of Fourteen Diamond Rings against United States, which was a direct discussion on the tariff status of the Philippine Islands.

The contentions in those two cases, as admitted to the court by the parties thereof, were:

"1. Porto Rico (or the Philippine Islands) was not in June or September, 1899, 'a foreign country' within the meaning of that term as used in the tariff act of 1897.

"2. Even if—in denial of the foregoing contention—the tariff act of 1897 had to be construed as in fact purporting to authorize the collection of duties on goods brought from Porto Rico into New York in June or September, 1899, then, in that aspect of it and to that extent, the act in question must be held unconstitutional and ineffectual to justify the exaction complained of in this case."

The fundamental constitutional points were raised in the discussion of those two cases, to wit: (a) Congress can not "lay and collect" any "duties" save such as are "uniform throughout the United States"; (b) "duties" collectible "on goods brought from Porto Rico into New York in June or September, 1899," would have been duties not "uniform throughout the United States," Porto Rico having been ever since the ratification of the treaty with Spain a part of "the United States."

When these two cases were argued before the Supreme Court of the United States very interesting and enlightening arguments were presented by both sides, and if I could have more time than that allotted me I would produce them before this committee. For my purpose it would be sufficient for me to quote here the high lights of the decision of the court. Justice Brown, who delivered the opinion of the court, said:

"The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union, presupposes that a country may be domestic for one purpose and foreign for another."

After the discussion by the court of several incidental facts of the case, it said:

"We are unable to acquiesce in this assumption that a Territory may be at the same time both foreign and domestic."

Therefore the court decided that Porto Rico was not a foreign country within the meaning of the tariff laws, but a Territory of the United States; that the duties were illegally exacted, and that the plaintiffs are entitled to recover them back.

I am aware, Mr. Speaker, of the arguments advanced that the Philippine Islands have not so far acquired the status of a State of the Union, and for this reason they can not claim the rights of any of those States guaranteed by the Constitution as to the uniformity of taxes and that "no tax or duty shall be laid on articles exported from any States."

In addition to the arguments I have already set forth, I wish to examine now the constitutional meaning of the words "the United States." When the Constitution refers to "the United States" it does not convey the idea that "the United States" is limited to the geographical boundaries of the States of the Union.

This very point was thoroughly discussed in the case of De Lima against Bidwell. The counsel for the plaintiff said in this respect the following:

"All territory lawfully acquired and taken under sovereign jurisdiction is a part of the United States. The Constitution is a charter or grant of powers conferred upon the Federal Government by the people of the United States. The Federal Government has no existence outside of this Constitution. Hence it is a confusion of terms to speak of territory to which the United States has acquired title as not being within our 'constitutional boundaries' or incorporated into the United States. It is a misapprehension of the nature of our institutions and of the function of the organic law of our national existence, known as the 'Constitution,' to speak of any part of the Nation being beyond its boundaries or to speak of its 'existence' over portions or over all of the national territory. There is no boundary to the Constitution other than the whole sphere of the activity of the Federal Government. Outside of that sphere, beyond that boundary, the Federal Government can only act by usurpation—a government of force, not of law—and officers assuming to act for the United States outside of the prescriptions of the Constitution are, however well-intentioned, outside of the law."

From what I have stated it does not necessarily follow that all the provisions of the Constitution of the United States are applied to its outlying possessions, like Porto Rico and the Philippine Islands. It is evident, however, that when Congress legislates for the outlying possessions its power and authority ought to be in harmony with the Constitution. For instance, Congress can not pass any law permitting in the Philippine Islands the practice of polygamy or the establishment of slavery. Yet these specific provisions of the Constitution are not applied to the Philippine Islands. The nonapplication of the Constitution to the Philippine Islands does not mean that Congress could pass legislation for the outlying possessions outside of the provisions of that Constitution.

The part of the Constitution of the United States which provides that "the trial of all crimes, except in cases of impeachment, shall be by jury," and woman suffrage is not applicable to the Philippine Islands. Congress, however, can not pass any legislation for the Philippine Islands prohibiting its local legislature to pass a law granting its inhabitants the trial by jury or granting suffrage to the women therein.

The theory that the Constitution does not follow the flag is not absolute. The principles embodied in the Constitution and symbolized by the flag go with it wherever it may be hoisted. But whether the Constitution does or does not follow the flag, it is self-evident truth that it remains in the United States as the fountain from which Congress should take inspiration in the exercise of its legislative authority.

No, Mr. Speaker, I hate to think that there is any overt or covert aim in the plan to establish economic slavery in the Philippines. I would rather prefer to believe that if this were the effect of the passage of the proposed plan it would have to be without the conscientious approval of its proponents. And yet it would be the effect, if passed. This point can be briefly demonstrated. The resolution limits to 500,000 tons the sugar that the Philippine Islands could export to the United States. It is also proposed to levy a duty on coconut oil, coprax, and cordage, and to put a limitation to Philippine tobacco. Above the limitation the full tariff wall will be applied. The United States will continue holding its right to export to the Philippine Islands all her products, growth, and manufacture duty free. This fact will compel the Filipinos to buy, by law of necessity, nothing but American products and merchandise for the reason that similar products and merchandise coming from foreign countries are in nowise able to establish in the Philippine Islands a competitive market. They will continue paying the customs duty they are required to pay now, and this will give an absolute monopoly of the Philippine market to American products and merchandise.

The American products and merchandise are now, in fact, without competition in the Philippine market, and if they so desire could dictate the price and hence absorb all the energy of the purchasing capacity of the people. What then? Now that the government of the Philippine Islands, through the help of American capital or Filipino capital, and now that the first step has been already taken in that direction by the able leadership of Governor Stimson, the wages will be at their disposal, for the people of the Philippine Islands, having been deprived of the benefit of the American market, the only one they could have under the circumstances for their major industries, will be plunged into poverty, reducing them to mere wage hunters. This picture of the situation to be created by the plan, if adopted, is baffling. It should startle any humanitarian government. Besides, this proposed limitation and levying of duty on coconut oil and copra will have the effect of giving more protection to foreign countries than the Philippine Islands, which is under the American flag. It is a well-known fact that Cuban sugar enjoys the privilege of preferential duty in the United States. The Philippine sugar, if the proposed limitation is adopted, will pay the full duty imposed on foreign sugar entering the United States above the 500,000-ton limit. This policy will operate to render more protection to Cuban sugar than that produced in the Philippine Islands. It will be a strange policy to be adopted by the United States, and it will upset all the previous benefits received by the Filipinos from this Nation.

It is alleged that the proposed limitation of importation of Philippine sugar to the United States is intended to encourage the development of its beet-sugar industry. This can be properly demonstrated to be fallacious. The beet-sugar industry in the continental United States can not exist without the importation of seasonal Mexican labor and seeds from Germany. Once the beet-sugar industry has been properly developed it has to employ American labor with the wage rate now enforced throughout the United States.

The cost of production of the beet sugar in the continental United States will be such as to cause the rise of the price of this commodity

used and needed in American homes. According to statistics, the cost of beet-sugar production in this country with the employment of seasonal Mexican labor is 3 cents per pound. (Report of the Federal Trade Commission on the beet-sugar industry in the United States May 24, 1917.)

The hearings from February 21 to April 8, before the House Committee on Immigration and Naturalization, on the bills regulating Mexican immigration, the hearings on the tariff before the corresponding committees of the Senate and the House, and the well-documented discussions before the United States Tariff Commission a few years ago conclusively established the fact that Mexican labor is indispensable in the beet-sugar industry in America. A man with his family working an acre of land is paid around $24 for the season, and according to experts, if a sugar-beet planter is asked to pay $100 per acre instead of $24, the industry can only exist at the expense of the consumer, who will be compelled to pay an unconscionable high price.

It has been reported by the child-welfare organizations that the sugar-beet industry is the heaviest employer of child labor. It is but fair to hope that a child labor law will be adopted by those States where the sugar-beet industry is in full development and the enlightened leaders of the industry can be depended on reasonably to observe both the ethics and the humanity of the case.

If the amount paid to a man and his family for producing 1 acre of beet sugar is $24, which makes the cost of production 3 cents per pound, then the conclusion is that paying $100 per acre it will cost at least 12 cents to produce a pound of this commodity. Adding to this the cost of production per pound of sugar, the cost of transportation, storage, taxes, administration, depreciation, and other expenses for its marketing, the result will be a tremendous and startling high price of sugar for the American consumer. Its effect would be that the Cuban sugar will flood the American market, for that country is able to produce sugar so much more cheaply than it can be produced in any other part of the world. Cuba in this case—to compete successfully—would not need the benefit of any tariff preference in the United States.

According to statistics the cost of production of sugar in Cuba is from 1.75 to 2 cents per pound. The transportation from Cuba to New York is estimated to be 15 cents per hundred pounds, or about three-twentieths of a cent per pound.

The cost of production of Philippine sugar per pound, delivered at New York, is from 3 to 3½ cents. A slight comparison of the cost of production per pound of the Cuban sugar to that of the Philippine sugar, both delivered at New York, will show that the Philippine sugar needs more protection than that of Cuba. I will not deal any further with this statistical matter, for General McIntyre has dealt or will deal with them with abundant data and figures.

Suffice for me to say that any restriction to be imposed on Philippine sugar and tobacco importation into the United States and any duty to be levied on coprax and coconut oil will be absolutely contrary to the announced policy of the Government of the United States to develop the Philippine Islands economically for the mutual benefit of both countries. The essence of the whole question now before this committee is one that affects the fundamentals of the existing relationship between the United States and the Philippine Islands. The United States would fail to fulfill its trusteeship over the Philippine Islands by discouraging the economic development of that country. The Philippine Islands and the inhabitants therein would be unhappy and discontented if held by the United States under her flag and sovereignty and were prevented by congressional action to enjoy the privilege of free trade with the mother country. Such a proposition is a challenge to American fairness and justice.

In passing it is worthy to note that it seems that the Philippine Islands is to be converted to a spot where even American citizens have to suffer from her anomalous political situation. The American citizens in the Philippine Islands were, and are, placed by the Congress of the United States in a disadvantageous and the worst position in comparison with other foreigners. They are subjected to double taxation by their own home Government.

In justice to them, I wish to call to the attention of this committee that President Coolidge in his message to Congress on December 4, 1928, emphatically pointed out the grim necessity of relieving those American citizens from double taxation, for which they are justly asking.

The Philippine Islands, under the present circumstances and conditions, and under the legislations enacted by Congress of the United States, is a better place in which to live for a Britisher, Japanese, French, German, or a Chinese than for an American citizen.

If the Philippine Islands should become independent, I am positive that they will see to it that American citizens occupy a place of parity, if not better, than any other foreigners in those islands.

I wish to take advantage of this opportunity to entreat this committee to devise some means of relieving those American citizens now residing in the Philippine Islands from double taxation, thus placing them at the same footing with their foreign competitors. This is but just and fair. Let it be known that those American citizens who have invested money in the Philippine Islands may be properly regarded as the forerunners of this Nation in the Far East. They have made sacrifices in leaving their homeland and those dear to them that they may unfurl in that part of the world the banner of prestige and glory of this great Nation. For this reason alone, if not for any other, they deserve most careful consideration on the part of the United States Congress.

FIRST DEFICIENCY BILL, 1929

Mr. HASTINGS. Mr. Speaker, the deficiency appropriation bill has just been reported to the House with Senate amendments. No request has been made to send it to conference, but it may be at any time during the day.

Now, I know that a great many Members of the House are very much interested in the amendment of Senator HARRIS in the deficiency appropriation bill which provides for an adequate appropriation for prohibition enforcement. I think there ought to be some notice given to the membership of the House as to when this matter may be called up, in order that the Members may be present, and in order that they may have the parliamentary situation fixed so that the House may be assured of a vote on that amendment and a debate on it.

I would like to know if there is anyone on the floor who is authorized to speak and say when it is expected to call up this appropriation bill, either for concurrence in the Senate amendments or to send it to conference?

Mr. TILSON. If the gentleman is directing his remarks to me, I will say that I have talked with the member of the Committee on Appropriations who is in charge of the bill, and asked him to let me know a day in advance of the time when he intends to bring it up.

Mr. HASTINGS. Then the House will be able to have some notice as to when it will be called up, so that we may be assured of some notice when it is to be called up?

Mr. TILSON. I do not think there is any intention of springing a surprise on the House. It was my purpose to notify the House a day in advance in order that the Members of the House may be here. There is no reason for imputing to anyone the purpose of springing a surprise on anybody.

Mr. HASTINGS. I thought the House was entitled to have notice given when it was to be brought up.

Mr. GARNER of Texas. Many gentlemen are interested in the question of when the deficiency bill will be sent to conference. Undoubtedly we can consult the gentleman from Indiana [Mr. WOOD], in charge of it, and get from him a statement as to when he intends to bring it up.

Mr. TILSON. I have already asked the gentleman from Indiana to let me know.

Mr. GARNER of Texas. The gentleman from Indiana, in fairness to the Members, could give notice as to when he intends to call it up. Some Members, I may say, desire to go away at the end of the week, but they do not want to go away if that bill is to be called up this week. In the interest of accommodation of various Members on both sides of the aisle, let me urge the gentleman from Connecticut to urge the gentleman from Indiana to give notice when he intends to call it up.

Mr. TILSON. I do not think that I should encourage Members to leave the city, but I asked the gentleman from Indiana to let me know in order that I might notify the Members of the House as to when it is intended to call it up.

Mr. GARNER of Texas. Could not the gentleman from Indiana say when he expects to call it up?

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. CRAMTON. I think it is shown in the RECORD that this bill has only come back from the Senate within the last five minutes. It happens that the gentleman from Indiana [Mr. WOOD], who will be the House conferee in charge of the bill, is not now on the floor. I am sure no gentleman here needs to have any worry about the gentleman from Indiana giving every courtesy and consideration that may be desired. If this question is brought up when the gentleman from Indiana is here, I am sure there will be no hesitation on his part to so inform the House.

Mr. GARNER of Texas. Will the gentleman from Michigan undertake to get in touch with him to-day, so that the RECORD of to-day may show when he intends to call that up?

Mr. TILSON. It may be that the gentleman from Indiana has not yet determined when he will bring it up, but I have asked the gentleman from Indiana to let me know at least a day in advance when he intends to call it up.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman a question? The press this morning reports that the House administration has been asked to kill this prohibition amendment which was passed by the Senate. I want to ask the gentleman

if he does not think it fair to the membership of the House, in view of the fact that this question is one concerning which all of the people of the United States are interested one way or the other, that we be given a chance to debate the matter with the idea of giving our conferees definite instructions before they go to conference? That matter ought to be debated thoroughly before the matter goes to conference.

Mr. TILSON. The House is master of the situation.

Mr. BLANTON. Oh, but the gentleman is in control of the whole situation, and the gentleman knows a motion could be made to send this bill to conference without any debate at all.

Mr. TILSON. There would have to be a majority of the membership of the House present in order to carry that motion.

Mr. COLE of Iowa. Mr. Speaker, I call for the regular order.

The SPEAKER. Of course, this debate has been proceeding by unanimous consent.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. Is it now in order to submit a motion to instruct the conferees with respect to this matter?

The SPEAKER. No; not until the bill is called up.

MEMORIAL EXERCISES FOR HON. MARTIN B. MADDEN

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SPROUL of Illinois. Mr. Speaker, ladies and gentlemen of the House, some three weeks ago my colleague from Illinois [Mr. BRITTEN] asked and received unanimous consent to have Sunday, February 10, set aside as a day on which to hold memorial services for our departed Member, the Hon. MARTIN B. MADDEN. Since that time a resolution has been passed by the House appointing a committee to look after those memorial services. I have consulted the family of Mr. MADDEN and they want his services held in conjunction with the services held for other Members who have passed away. Therefore I ask unanimous consent that the order to make Sunday, February 10, a memorial day for the Hon. MARTIN B. MADDEN be vacated.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order under which Sunday, February 10, was made a memorial day for the late MARTIN B. MADDEN be vacated. Is there objection?

There was no objection.

RESIGNATION

The SPEAKER. The Chair lays before the House the following communication:

JANUARY 23, 1929.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Rules.

Very sincerely yours,

C. W. RAMSEYER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. To-day business which was in order yesterday is in order, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was called—

ASSESSMENT OF BENEFITS AGAINST PUBLIC LANDS AND LANDS HERETOFORE OWNED BY THE UNITED STATES

Mr. COLTON. Mr. Speaker, by direction of the Committee on Public Lands I call up H. R. 10657, to authorize the assessment of levee, road, drainage, and other improvement-district benefits against public lands and lands heretofore owned by the United States. This bill is on the House Calendar.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The parliamentary situation in regard to this bill is that it has been read twice, and if no amendments are proposed the question is on the engrossment and third reading of the bill.

Mr. COLTON. Mr. Speaker, there are some amendments to be offered and some changes made. When we brought up the bill on the last Calendar Wednesday there was considerable discussion, and a number of changes are to be recommended. I yield 10 minutes to the gentleman from Arkansas [Mr. DRIVER] for the purpose of having an explanation made concerning the bill.

Mr. DRIVER. Mr. Speaker, when this bill was under consideration on last Wednesday, a fear was expressed on the part of some of the Members that the permission carried by this bill to levy the assessment provided for was possibly too broad and would permit the accumulation of assessments on these lands, former public lands, before the title ripened in the occupant. It being my intention to fully protect against any such contingency I expressed then to the gentleman from Michigan [Mr. CRAMTON], who raised this question of doubt, my desire to eliminate all question about it. Therefore further conferences were held with Judge Finney, of the land department, and he has prepared a suggestion of amendments to take the place of sections 1, 2, and 3 of the bill which, in his opinion, will limit these assessments to the time when the title ripens in the occupant. Therefore, Mr. Speaker, I offer the following as an amendment to sections 1, 2, and 3.

The SPEAKER. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DRIVER to sections 1, 2, and 3 of the bill: Strike out all of sections 1, 2, and 3, and insert in lieu thereof the following:

"*Be it enacted, etc.*, That the consent of the Government of the United States to the levy of special assessments, based upon benefits estimated to be derived from local levee and drainage districts within the boundaries of the St. Francis levee district in Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas, levying said special assessments and providing for the enforcement of such levy and the establishment of a lien and of all remedies pertaining thereto are expressly made applicable to the lands described in this act: *Provided*, That no levy, assessment, or collection of any special assessment shall attach or be applicable to any lands of the United States, nor permit the collection of any special assessment for such tax from the United States Government, nor from any entryman or person as to any such lands until the date when the entryman or purchaser shall become entitled to a patent from the United States for such land. Such levy, special assessment, or tax shall not operate against the Government of the United States, and shall only operate and take effect and be in force when and if the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser, and such entryman or purchaser shall have become entitled to patent therefor.

"SEC. 2. That all the acts, levies, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all levies and assessments of benefits against lands, the equitable title to which had passed as provided in section 1 of this act, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings, based upon the want of authority now conferred by this act.

"SEC. 3. That this act shall be available to the St. Francis levee district of Arkansas, and to any drainage district within the boundaries of the St. Francis levee district heretofore or hereafter created, as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas and this act."

Mr. COOPER of Wisconsin. Mr. Speaker, may I ask the gentleman a question about the bill?

Mr. DRIVER. Yes; I yield to the gentleman.

Mr. COOPER of Wisconsin. I note that the title of the bill refers—I read:

to public lands and lands heretofore owned by the United States.

This language of the title would include any or all such lands wherever located.

Mr. DRIVER. There is an express exception, I will say to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Will the gentleman permit further? The body of the bill, however, relates specifically and exclusively to such lands within the State of Arkansas. Ought not the title to be amended to read "heretofore owned by the United States within the boundaries of the State of Arkansas," so that the title will also be specific and relate exclusively to lands within that State, as does the bill?

Mr. DRIVER. Yes. Under the suggestion made by Judge Finney I notice that is true, so I will ask that the title be amended so as to provide for that.

Mr. SNELL. I suppose the gentleman is going to explain the practical effect of this amendment?

Mr. DRIVER. I will be very pleased to. I made the explanation on Wednesday of last week, I will say to the gentleman from New York; but I will be glad to repeat it at this time.

Mr. SNELL. If the explanation has been made, I do not know that I want the gentleman to repeat it.

Mr. DRIVER. I will be very pleased to make it again. The purpose here is to provide for the assessment of drainage and

levy benefits on the heretofore publicly owned lands of the eastern part of Arkansas. The land is in two counties.

These lands were lowlands, the drainage basins for the higher lands of that section, at one time claimed under the laws of the State of Arkansas as riparian lands; and under the operation of that law the title of the shore owners extended to the thread of the stream.

Now, through certain reclamation work that was placed in that area, these lands were partially uncovered and the attention of the Government was called to the fact that they were at one time similar to the higher areas about them. They were created by that very remarkable earth disturbance of 1811, called the New Madrid earthquake, and when they were originally surveyed under the direction of the United States Government, the surveyors delimited these areas, meandered them, and marked them on the plat and surveys as lakes. In fact, they were land in place and through all these areas were elevations covered with the same character of timber that you find on the adjacent higher lands.

The Government then asserted title, successfully, to these lands.

Now, in the meantime, while the supposed riparian owners were in control, drainage districts and the levee district were organized and through the influence of these works the lands were uncovered and made valuable.

The Supreme Court of the United States a couple of years ago in a case pending at the instance of one who held a tract of this land, decided that if these lands were the property of the United States at the time of the organization of these reclamation works or districts, the lands would be forever exempted from their levees.

So we find ourselves in an attitude where these lands have become a part of the security for the issues of bonds that went into the construction of the works that made these particular lands valuable, because without them these basins could never have been cultivated.

No question had been raised by the people who were in possession of the property and paying their taxes until this particular man objected to collection of the tax.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. DRIVER. So now we are trying to bring these lands within the provisions of our drainage laws that reclaimed them.

Mr. SNELL. Who has the title to these lands at the present time?

Mr. DRIVER. The occupants under homestead hold titles issued by the Government.

When these titles ripened we undertook to extend the law by adding to our State law, but the decision was such that it absolutely precluded us from getting that benefit and the result is these other lands must bear a burden that should properly be lodged against these lands, and we thought was legally lodged against them.

Mr. SNELL. That is the effect of the gentleman's amendment.

Mr. DRIVER. Yes. I will also say to the gentleman from New York that a few days ago another complication entered into the matter. Some of these parties actually went into the courts and asked that these districts be extended, and to the extent of those who have so petitioned, the Supreme Court of the United States just this past week decided they were subject to the doctrine of estoppel and therefore we have now those people in an attitude where they not only pay the amount they thought they were assuming but they must get under a proportion of the burden of those who stand in a like attitude.

Mr. SNELL. And the men who are on these lands now received a regular title under the homestead act to the lands from the Federal Government?

Mr. DRIVER. Yes.

Mr. SNELL. And the gentleman is simply asking that they pay their share of the drainage-district bonds?

Mr. DRIVER. Yes. I will say to the gentleman from New York that some question was raised the other day as to the original bill. It was expressed here in the way of a fear that possibly the bill was a little carelessly prepared and would permit the assessment to go back to the date of the organization of these districts and accumulate on these lands. The purpose of the amendment is to avoid that possibility and provide that an assessment be made only when the title is ripened in the occupant.

Mr. SNELL. It seems to me that it is a fair proposition.

Mr. DRIVER. It is more than fair.

Mr. CRAMTON. If the gentleman will yield, I observe that the question which I raised the other day with reference to this bill, and which has been properly stated by the gentleman from Arkansas, seemed, in the judgment of the Interior Department, to be corrected by the amendments which the gentleman from Arkansas has presented, and while the Interior Department had some question about the bill in its original form, they are in accord with the bill as presented and amended, by reason of the fact, as I understand it and as the department understands it, in the amendments now presented, instead of there being an opportunity for the accumulation of charges before the title ripens there can be no levy before the time comes when the title is in the homesteader.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DRIVER. I yield.

Mr. CHINDBLOM. How does the amendment reach the objection mentioned in the letter of the Secretary of the Interior of April 12, 1928, to Mr. Sinnott, then chairman of the Committee on Public Lands? The letter says:

> It is not believed that the Government of the United States should enact any law affecting or attempting to affect the title to any land that has passed from its jurisdiction.

These lands have passed from the jurisdiction of the United States and they have been acquired by these people under the state of the law then in existence. Now, here comes the United States, after relinquishing the title to the land and permitting it to pass under this law, it comes now and subjects the land to this burden. Has the objection of the Secretary of the Interior in that respect been cured?

Mr. DRIVER. No, sir; and it can not be by any amendment that this Congress can make. These people who have received the benefit of this work produced there should not escape the responsibilities that they should assume in common with the other people in the reclamation work.

Mr. CHINDBLOM. I appreciate the gentleman's frankness.

Mr. DRIVER. I am frank. I want to say to the gentleman that until this question was raised not a single one of the occupants of the land failed to pay promptly his assessment in common with his neighbor. But when this one man saw fit to resist and raise this legal question, then they stopped their payments.

In addition to that, here comes a decision of the supreme court of our State that the lands not exempted must not only pay the original assessment but assume a part of the assessment that the exempted class failed to pay. It is unfair to these men that such condition should go without relief on the part of Congress if they can be relieved.

Mr. CHINDBLOM. I think the gentleman's statement is answered adequately and admirably by the Secretary of the Interior, when he says further:

> If an unlawful tax has been levied against such lands under assumed authority of the State of Arkansas, the Government should not now, after having parted with title, attempt to ratify such illegal tax. In addition to the moral question involved there is grave doubt whether assent given by the Government, especially after the land has ceased to be Federal property, would validate a tax void for the reason that at the time the benefit accrued the title was in the United States.

I confess that I have not given the matter the thought that the gentleman from Arkansas has, but on general principles I would say that I thoroughly agree with the views of the Secretary of the Interior that the Government of the United States, having relinquished title to the lands under certain conditions and under the law as it then existed, ought not afterwards by its own legislation attempt to change the status of the people who acquired title.

Mr. DRIVER. I think the gentleman has overlooked an important feature. Under the decision in Lee against The Osceola Improvement District——

Mr. CRAMTON. If the gentleman will yield, I think it would interest the gentleman from Illinois to know that at the time the Secretary of the Interior dispatched that letter to Mr. Sinnott, at the time the letter was drafted, the department entertained a different theory as to the effect of the bill from what was intended by the gentleman from Arkansas; and that the purpose of the gentleman from Arkansas having been definitely put before the department, and having redrafted the first three sections and more clearly limited their scope, the department has changed its view of the situation.

Mr. CHINDBLOM. Mr. Speaker, I shall not try to interpose my judgment against that of the gentlemen who have framed and are so anxious to have passed this legislation, but the general principle that is involved here I think should be preserved.

Mr. DRIVER. It is a very unusual case.

Mr. COLTON. Mr. Speaker, I think the report of the Secretary of the Interior was drafted with the thought that these were cumulating assessments and he objected to the bill on that account.

Mr. CHINDBLOM. Oh, no, no. The language which I read does not refer to cumulating or noncumulating assessments. It refers clearly to the principle of the Government of the United States taking action in regard to questions affecting the status of the owners of lands after the Government has relinquished its title to those lands.

Mr. COLTON. And yet that was the basic objection of the department at that time.

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman an additional 10 minutes.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. Yes.

Mr. STEVENSON. Does the gentleman think that Congress has the power, after the Government has parted with the land, to turn around and add a burden to the very property that it has parted with? In other words, can a man sell land in fee simple and afterwards convert it into a life estate?

Mr. DRIVER. These burdens were already on the land, and the question has been raised as to the validity of that charge, much of which has been paid. All we ask is the consent of the Government that we may find the opportunity to bring these lands within the category of all lands which are charged with the improvement.

Mr. CRAMTON. I call attention to the fact that what the gentleman seeks to do now is not to confer an authority to tax but to relieve a lack of authority based upon a previous attitude of the Government.

Mr. DRIVER. Exactly.

Mr. CRAMTON. And so at the end of section 2 it is provided that the acts, and so forth, are confirmed and shall not be set aside, and so forth—

for any want of jurisdiction or any irregularity in the proceedings—

Then—

based upon lack of authority now conferred by the act.

Mr. COLTON. Mr. Speaker, if there is no further discussion, I move the previous question on the bill and all amendments thereto to final passage.

Mr. CRAMTON. There will be an amendment to section 4.

Mr. COLTON. Then I withhold my motion for the moment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. DRIVER. Mr. Speaker, I offer the following amendment, to be added to the end of section 4.

The Clerk read as follows:

Amendment offered by Mr. DRIVER: Page 3, line 21, at the end of section 4, strike out the period, insert a comma, and add the following: "In the areas in Mississippi and Poinsett Counties described in the act of January 17, 1920."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent that the title be amended to conform to the text of the bill.

The SPEAKER. Is there objection?

There was no objection.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent, as a part of my remarks, to extend therein a letter from the Department of the Interior addressed to the gentleman from Michigan [Mr CRAMTON].

The SPEAKER. The gentleman from Arkansas asks unanimous consent to include in his remarks the letter referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1929.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: I have tried to rewrite H. R. 10657, introduced by Mr. DRIVER, to express what I understand from the CONGRESSIONAL RECORD was his intent in drawing and introducing the measure.

The bill as originally drawn would apparently permit the levy of special assessments on public lands of the United States, or upon lands embraced in original homestead entries, upon which the entrymen had not so complied with the laws as to entitle them to a final certificate as a basis for patent. This might result in a heavy accumulation of unpaid assessments against vacant public lands or against lands the title to which had not been earned, which would have to be assumed by subsequent entrymen. Apparently, however, Mr. DRIVER was willing to have it apply only to lands to which the equitable title had passed from the United States, i. e., lands where entrymen had earned title by residence and cultivation and submission of final proof, and thereby secured an equitable title, which needed only the issuance of patent to convey to them the legal title.

With this thought in mind I have redrafted sections 1, 2, and 3 of the bill. As to section 4 I am not quite clear as to the scope or intent of the section. You will note in Secretary Work's report of April 12, 1928, he states that the only act recognizing the right of any district to tax unentered or entered public lands, for which patents have not issued, relates to specific areas in Mississippi and Poinsett Counties, and is restricted to local drainage districts (act of January 17, 1920, 41 Stat. 392). Personally, I do not like to see that provision of law extended to other unentered public lands, nor to see the provisions of section 4 extended to other unentered or unpatented public lands. Possibly it might be consistent to limit the application of section 4 to the lands described in the said act of January 17, 1920, which could be done by inserting in line 7, page 3, of H. R. 10657, after the words "that in all cases," "in the areas in Mississippi and Poinsett Counties, described in the act of January 17, 1920."

Very truly yours,

E. C. FINNEY,
First Assistant Secretary.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had ordered that the House of Representatives be respectfully requested to return to the Senate the following bills, to wit:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

Mr. COLTON. Mr. Speaker, by direction of the committee I call up the bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park in the State of California by exchange.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 11406. The parliamentary situation is that this bill was considered in the House as in Committee of the Whole when it was last under consideration. The entire bill has been read. Therefore amendments may be proposed only to the last section of the bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Utah yield to me for a moment?

The SPEAKER. Are there amendments to be proposed?

Mr. COLTON. Mr. Speaker, I understand that there are no amendments to be proposed. I yield one minute to the gentleman from Michigan.

Mr. CRAMTON. Mr. Speaker, I raised some question about the bill when it was under consideration last week, because of an attempt now being made to acquire by purchase or condemnation private lands in the parks. There is some question as to the necessity for this legislation, but after more thought upon the subject, and consultation with the Park Service, it seems to me it is desirable to pass this bill, because we are not sure what may happen to the other matter. This can not hurt anything, if it is not needed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXCHANGE CERTAIN PUBLIC LANDS IN THE STATE OF UTAH

Mr. COLTON. Mr. Speaker, by direction of the committee I call up House Joint Resolution 356. There was a mistake either in the printing or by the clerk of the committee in the bill and a star print has been made. I ask that the star print of the resolution be considered.

The SPEAKER. That will be the one considered. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 356) to authorize the exchange of certain public lands in the State of Utah, and for other purposes.

The SPEAKER. This resolution is on the Union Calendar.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That when the public interests will be benefited thereby the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands, surveyed or unsurveyed, within townships 8, 9, and 10 north, ranges 2, 3, 4, and 5 west, Salt Lake meridian, Utah, which in the opinion of the Secretary of Agriculture are chiefly valuable for the purposes contemplated under the act approved April 23, 1928 (45 Stat. L. 448), and in exchange therefor may patent not to exceed an equal value of surveyed or unsurveyed public lands in the State of Utah nonmineral in character: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands to be given in such exchange.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: On page 1, after the enacting clause, strike out all the language from line 3 down to and including line 10, page 1, and all the language on page 2, beginning line 1 down to and including line 11, and insert in lieu thereof the following:

"That when the public interests will be benefited thereby the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands, surveyed or unsurveyed, within township 7 north, ranges 2 and 3 west, and townships 8, 9, and 10 north, ranges 2, 3, 4, and 5 west, Salt Lake meridian, Utah, which in the opinion of the Secretary of Agriculture are chiefly valuable for the purposes contemplated under the act approved April 23, 1928 (45 Stat. L. 448), and in exchange therefor may patent not to exceed an equal value of surveyed unappropriated lands owned by the United States within the said townships nonmineral in character: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in the county in which may be situated any lands to be given in such exchange."

The committee amendment was agreed to.

The resolution as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the resolution was passed was laid on the table.

MISSOULA NATIONAL FOREST, MONT.

Mr. COLTON. Mr. Speaker, by direction of the committee I call up the bill H. R. 14148 and ask unanimous consent that it may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14148) to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont."

The SPEAKER. The gentleman from Utah asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.," be, and the same is hereby, amended by striking out the word "and" in line 81 of section 1 of said act, and inserting in lieu thereof the word "to."

Committee amendment: On page 1, line 7, after the word "to," insert the following:

"*Be it enacted, etc.*, That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Missoula National Forest, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

"East half section 19, township 11 north, range 7 west; sections 2 and 12, township 11 north, range 8 west; west half section 1, sections 2 to 11, inclusive, west half section 12, township 12 north, range 7 west; sections 1 to 17, inclusive, lots 5, 8, 9, 10, 11, 12, 13, 16, and 17, section 18, lots 3, 4, 5, 8, 9, southwest quarter northeast quarter section 20, sections 21 to 28, inclusive, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, section 33, sections 34, 35, and 36, township 12 north, range 8 west; lots 1, 2, 3, and 7, section 1, north half section 2, section 6, township 12 north, range 9 west; west half section 4, sections 5 and 6, township 13 north, range 6 west; all township 13 north, range 7 west; sections 1 to 5, inclusive, and 7 to 36, inclusive, township 13 north, range 8 west; west half northeast quarter, northwest quarter, lots 3 and 4, section 6, east half, southwest quarter section 8, south half section 10, north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, southeast quarter southeast quarter section 12, sections 13 to 36, inclusive, township 13 north, range 9 west; sections 1 to 5, inclusive, east half section 8; sections 9 to 16, inclusive, north half northeast quarter, southeast quarter southeast quarter section 17, east half northeast quarter, northeast quarter southeast quarter section 20, sections 21 to 27, inclusive, east half and north half northwest quarter section 28, section 33 north half, north half south half, section 34, section 35, and section 36, township 13 north, range 10 west; lots 4, 5, 6, and 7, section 6, west half section 18, township 14 north, range 5 west; sections 1 to 3, inclusive, north half, southeast quarter section 4, south half northeast quarter, lots 2, 3, and 4, southeast quarter section 7, south half section 8, southeast quarter northeast quarter, southeast quarter, south half southwest quarter section 9, sections 10 to 13, inclusive, north half southwest quarter, north half southeast quarter, southeast quarter southeast quarter section 14, sections 15 to 21, inclusive, north half southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 22, east half northeast quarter, north half northwest quarter, southwest quarter northwest quarter, southeast quarter southwest quarter, southeast quarter section 23, sections 24, 25, and 26, north half and southwest quarter section 27, sections 28 to 33, inclusive, east half northeast quarter, northwest quarter, north half southwest quarter, lot 1, northeast quarter southeast quarter, lot 4, section 34, all section 35, township 14 north, range 6 west; west half northeast quarter, northwest quarter, east half southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 2, south half southwest quarter section 3, south half northeast quarter, south half section 4, lots 5, 6, 7, and 8, section 7, northeast quarter, southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 8, sections 9 and 10, northeast quarter northeast quarter, west half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 11, north half northwest quarter, southwest quarter northwest quarter, east half southwest quarter, southeast quarter section 12, sections 13 to 36, inclusive, township 14 north, range 7 west; lots 1, 2, west half section 4, section 24, south half southwest quarter section 32, township 14 north, range 8 west; sections 5 to 8, inclusive, west half section 17, section 18, west half northeast quarter, northwest quarter, southeast quarter, section 20, northeast quarter section 29, township 14 north, range 9 west; section 2, southwest quarter

northeast quarter, lot 4, south half northwest quarter, southeast quarter section 4, section 10, north half, north half south half, all section 12, east half, east half west half and southwest quarter southwest quarter section 24, south half south half section 26, southwest quarter northeast quarter and south half section 30, north half and southwest quarter section 32, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, and south half section 34, township 14 north, range 10 west; southwest quarter northeast quarter, west half, west half southeast quarter section 18, north half, north half southwest quarter section 30, township 15 north, range 5 west; lot 2, west half, west half southeast quarter, southeast quarter southeast quarter section 2, sections 3 to 6, inclusive, northeast quarter, lots 1 and 2, east half southeast quarter section 7, sections 8 to 11, inclusive, west half northeast quarter, west half, southeast quarter section 12, sections 13 to 17, inclusive, east half east half section 18, east half, lots 2, 3, and 4, section 19, sections 20 to 28, inclusive, north half, north half south half section 29, northeast quarter, northeast quarter southeast quarter section 30, sections 33, 34, and 35, township 15 north, range 6 west; lots 1, 2, 7, and 8, section 2, lots 1 to 14, inclusive, east half southwest quarter section 6, township 15 north, range 7 west; southwest quarter, west half southeast quarter section 2, sections 3 to 10, inclusive, southwest quarter northwest quarter and southwest quarter section 12, sections 14 to 22, inclusive, sections 26 to 34, inclusive, township 15 north, range 8 west; all township 15 north, range 9 west; sections 1 to 5, inclusive, northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 6, northeast quarter northeast quarter, south half northeast quarter, northeast quarter southwest quarter, lots 5, 6, and 7, northwest quarter southeast quarter, section 7, lot 4, north half, east half southwest quarter, southeast quarter, section 8, sections 9 to 15, inclusive, east half, southwest quarter section 17, sections 20 to 28, inclusive, north half, northeast quarter southwest quarter, southeast quarter, lots 3 and 5, section 29, east half northeast quarter, southeast quarter southeast quarter section 32, sections 33 to 36, inclusive, township 15 north, range 10 west; east half, east southwest quarter and lot 3, section 2, west half section 4, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, northwest quarter southeast quarter section 12, township 15 north, range 11 west, all Montana base and meridian.

"SEC. 2. The Secretary of the Interior is hereby authorized to consider and allow applications affecting any lands described in this act which were filed prior to April 1, 1926, under the stock raising homestead act of December 29, 1916 (39 Stat. 862)."

Mr. COLTON. Mr. Speaker, this bill is introduced for the purpose of simply changing one word in a bill which was passed last year that was occasioned by a clerical error, and I ask unanimous consent that the further reading of the bill be dispensed with, and that it be printed in the RECORD.

The SPEAKER. The gentleman from Utah asks unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The question was taken and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VALIDATING CERTAIN APPLICATIONS FOR AND ENTRIES OF PUBLIC LANDS

Mr. COLTON. Mr. Speaker, I call up the bill S. 5110.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5110) validating certain applications for and entries of public lands, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 5110) validating certain applications for and entries of public lands, and for other purposes

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof compliance with law has been filed, upon the payment of all moneys due thereon:

Desert-land entry, Evanston, Wyo., No. 07863, made by Charles G. Jewett on January 5, 1922, for the east half of the southwest quarter and north half of the southeast quarter, section 26, township 34 north, range 114 west, sixth principal meridian.

Stock-raising homestead entries, Cheyenne, Wyo., Nos. 035367, 039066, and 042059, made by Edwin T. Pfister for the northeast quarter of the southeast quarter, section 34, and north half and north half of the south half, section 35, township 38 north, and lot 4, southwest quarter of the northwest quarter, and northwest quarter of the southwest quarter, section 1, township 37 north, range 62 west, sixth principal meridian.

Stock-raising homestead entries, Buffalo, Wyo., Nos. 024570 and 024571, made by James R. Rice on February 21, 1923, for the southwest quarter of the northeast quarter and the southeast quarter, section 30, and lots 1, 2, and 3, east half of the northwest quarter, southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter, section 31, township 52 north, range 70 west, sixth principal meridian.

SEC. 2. That stock-raising homestead entry, Billings, Mont., No. 029013, made by Vera M. Diers (now Vera M. Watts) on December 5, 1927, for the southeast quarter of the northeast quarter and east half of the southeast quarter, section 31, north half of the southwest quarter, section 32, township 7 south, range 58 east, lots 3 and 4, section 5, and lot 1, section 6, township 8 south, range 58 east, Montana principal meridian, be, and the same is hereby, validated.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to James C. Willox, of LaBonte, Wyo., for the north half of the northwest quarter, section 23, township 29 north, range 73 west, sixth principal meridian.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Lillian Badger, of Hollywood, Calif., a patent for lot 5 and the southwest quarter of the southwest quarter, section 26, and lots 1 and 2, section 35, township 15 south, range 35 east, Mount Diablo meridian, California, such patent to contain the terms and conditions of section 24 of the Federal water power act: *Provided*, That Lillian Badger make payment for the land within 90 days after notice of the approval of this act at the rate of $1.25 per acre.

SEC. 5. That the Commissioner of the General Land Office be, and he is hereby, authorized to quitclaim to Paris M. McPhetridge the south half of the southeast quarter, section 24, township 5 north, range 13 west, San Bernardino meridian, California.

SEC. 6. That homestead entry, Santa Fe, N. Mex., No. 044344, made by Carolina Salazar on February 14, 1923, under the stock-raising homestead act of December 29, 1916 (39 Stat. L. 862), embracing the south half of the south half, section 12, and the west half of the east half, section 13, township 7 north, range 16 east, New Mexico meridian, be, and the same is hereby, validated.

During the reading of the bill—

Mr. COLTON. Mr. Speaker, with the exception of the committee amendment, this is what is known as an omnibus bill, correcting certain irregularities that have arisen in the General Land Office. The bill has been carefully gone over by the committee, and I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, after line 3, insert the following new section:

"SEC. 7. That no qualified homestead entryman who, prior to November 1, 1928, made bona fide entry upon lands of the United States in Moffat, Rio Blanco, and Routt Counties, Colo., under the provisions of the homestead laws of the United States, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land subsequent to the incursion of swarms of crickets or grasshoppers upon said land or in the vicinity; but such entryman shall, within 90 days after issuance of notice by the Secretary of the Interior that the emergency occasioned by such insect invasion has terminated, file in the office of the register of the local land office an affidavit that he has reestablished his residence on the land, with the intention of maintaining the same for a period sufficient to enable him to make final proof: *Provided*, That any entry heretofore canceled within said counties may, subject to intervening adverse rights, be reinstated on a proper showing by the entryman that a leave of absence under this act would have been warranted: *Provided further*, That no such entryman shall be entitled to have counted as a part of the required period of residence any period of time during which he was not actually upon said land prior to the date of the notice aforesaid."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

Mr. COLTON. Mr. Speaker, I move that the similar House bill lie on the table.

The motion was agreed to.

EXCHANGE OF CERTAIN LANDS IN MONTANA

Mr. COLTON. Mr. Speaker, I call up the bill H. R. 15724.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15724) to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept on behalf of the United States title to any lands now owned and held by the State of Montana within the exterior boundaries of the district described in the act of Congress approved March 29, 1928 (Public, No. 210, 70th Cong.), and in exchange therefor may patent to said State of Montana not to exceed an equal area of unreserved public land within the State of Montana surveyed and nonmineral in character: *Provided*, That before any such exchange is effected, notice of the contemplated exchange shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be given in such exchange. Lands conveyed to the United States under this act shall, upon acceptance of title, become subject to the provisions of said act of March 29, 1928.

With committee amendments as follows:

Page 1, line 8, strike out "(Public, No. 210, 70th Cong.)" and insert "Forty-fifth Statutes at Large, page 380."

On page 2, line 1, strike out the word "equal" and after the word "area" insert the words "of equal value."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. SNELL. Mr. Speaker, this is quite a wide bill, covering considerable territory. I think the chairman of the Committee on the Public Lands ought to explain it.

The SPEAKER. The Chair recognizes the gentleman from Utah.

Mr. COLTON. Mr. Speaker, this bill has been introduced by the gentleman from Montana [Mr. LEAVITT], and I yield to him to make the desired explanation.

Mr. LEAVITT. Mr. Speaker, this bill is the result of the difficulty encountered in putting into effect a law enacted by the Seventieth Congress, in the first session. I refer to the enactment of H. R. 425, which became Public Act No. 210, and which authorized the Secretary of the Interior to enter into a cooperative agreement with the State of Montana and private owners of land within an area of about 100,000 acres between Mizpah and Pumpkin Creeks in southern Montana for the purpose of leasing the area for grazing purposes. It includes railroad lands and lands in other private ownership, and belonging to the State of Montana and to the Federal Government. A permit covering 10 years is intended to be issued by the Secretary of the Interior, following an agreement made with those other owners.

It is a particularly important thing that it be worked out, because it points to some conclusions as to the administration of public grazing lands. It has worked out that about 10 sections of State lands can not be included in any practical way because of a State law which requires that the rental of State lands leased to stockmen and others must bring a return which will be too large to enable them to measure these sections with the public and other lands and bring about that kind of a joint lease. The solution reached in conference with the stockmen involved, and with the Montana State land board, and agreed to by the Secretary of the Interior, and by the committee after consideration, is that the State lands within the area, comprising about 10 sections, should be exchanged for Government lands of the same value elsewhere in the State, and thus make the lands in public ownership in this grazing area entirely Federal, so that the Secretary will have to deal only with private owners, and not with the State.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. SNELL. It is limited to this area?

Mr. LEAVITT. Yes.

Mr. SNELL. It does not give a general right to exchange any land up there?

Mr. LEAVITT. No.

Mr. SNELL. But it is all confined within one area?

Mr. LEAVITT. Yes. The bill as it is drawn states that the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States title to any land held by the State of Montana within the boundaries of the district described in the act of March 29, 1928.

Mr. SNELL. There are only 10 sections in any way affected by this bill?

Mr. LEAVITT. Yes; and it is limited to this area, which is set aside for the purpose of grazing lands.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COOPER of Wisconsin. This land within the park is to be exchanged for other land of equal value?

Mr. LEAVITT. Yes.

Mr. COOPER of Wisconsin. Who is to determine the value of that land?

Mr. LEAVITT. That, of course, is done, as a matter of practice that has been in effect in making such exchanges, through agreement between the Secretary of the Interior and the State land board. There must be a meeting of minds before the exchange is consummated.

Mr. COOPER of Wisconsin. The State land board, then, would be a party in determining the value?

Mr. LEAVITT. Yes, indeed.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. ENGLEBRIGHT. As I take it, the area that will be exchanged may or may not be equal in size to the present area and it is the value of the land rather than relative areas?

Mr. LEAVITT. Yes. The bill as it was introduced had to do with area and that was approved by the Secretary of the Interior in his report, but it was the judgment of the committee that the policy which has been generally followed, of making these areas of equal value, should be substituted, and that is the form in which the bill comes before the House, and it is an entirely acceptable form.

Mr. COOPER of Wisconsin. There is one other thing that occurs to me.

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman may have two additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COOPER of Wisconsin. The land within this area is owned by the State.

Mr. LEAVITT. That is, 10 sections out of a little over 108,000 acres.

Mr. COOPER of Wisconsin. But that is not the important point in this matter. The important thing is, When the exchange is made how is the value of the new land which is to be received to be determined? The land now in the area is owned by the State and the State board is to consider the value of the new land which the State is to receive.

Mr. LEAVITT. Not the State board acting alone.

Mr. COOPER of Wisconsin. The State board represents the State which owns the property, and the State board is to determine the value of the land which is to be received?

Mr. LEAVITT. No; not acting alone. There must be a meeting of minds between the State and the Federal Government.

Mr. COOPER of Wisconsin. And the Federal Government is to be represented by a man 2,000 miles away, who does not know anything about the land. There have been Secretaries of the Interior who sometimes were not careful about such transactions.

Mr. LEAVITT. That latter is the reason, I will state, for the amendment which was written in by the committee, that there have been at some times considerably in the past scandals when the exchanges were made on the basis of area, and that rather worthless land was received in exchange for lands which later proved to be very valuable from the standpoint of minerals, timber, and so on.

Now, in order to avoid the possibility of anything of that kind the committee provided that the exchange should not be on the basis of area but on the basis of value, and, of course, either party, either the State of Montana or the Federal Gov-

ernment, can stop that exchange by failing to agree to the matter of the areas being of equal value. The interests of the Federal Government in attempting to work out the problem of handling the grazing areas under this form of leases on the one side and of Montana in thus increasing the value of the area for the purposes contemplated by the development of her stock industry and in ultimately making taxable other lands that are not now as productive as they should be make it certain that there will be a reasonable agreement on the question of value.

Mr. COOPER of Wisconsin. Of course, I always have confidence in what the gentleman from Montana says, but what occurred to me in making the suggestion I did make was this: That in dealing with Government property——

The SPEAKER. The time of the gentleman from Montana has again expired.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COOPER of Wisconsin. As I started to say, in dealing with Government property every sort of safeguard ought to be thrown around an exchange of this kind, because there will be a strong temptation to get everything to which the State might be reasonably entitled on an exchange like this and something more. This Government property in Montana belongs, at least in theory if it does not in fact, to my constituency and to that of every other Member of the House, and they are interested in transactions like this.

Mr. LEAVITT. Indeed so.

Mr. COOPER of Wisconsin. Therefore we do not want any more Government area outside of this property given up than is reasonably fair, and we want the people who determine the value to be thoroughly disinterested, so I wondered whether the State board under those circumstances was the proper one to make the valuation.

Mr. LEAVITT. Of course, there are two sides to that question. The other side is that the State of Montana now owns these 10 sections, and it is entitled, if it makes an exchange, to receive lands worth as much as these 10 sections. So we have two parties, the Federal Government and the State, both interested in seeing that this exchange is a fair one. It is done openly, and there is a provision in this bill as follows:

Provided, That before any such exchange is effected notice of the contemplated exchange shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be given in such exchange.

Thus complete publicity for a period of one month is necessary, with ample opportunity for parties on either side to insure that the interests of all concerned are taken care of.

Mr. WINTER. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. WINTER. May I suggest further that the Secretary of the Interior and his office have complete and detailed knowledge of the character of both of these classes of areas or lands.

Mr. LEAVITT. That is true.

Mr. WINTER. In other words, the Secretary is not at any disadvantage with respect to complete knowledge in an exchange.

Mr. LEAVITT. That is true in this particular case especially because of the fact that in the enactment of the previous law a detailed study of the area was made as to the value of all of the land within the prescribed limits.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS OWNED BY RELIGIOUS ORGANIZATIONS

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 16352) providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of the Government to purchase through condemnation shall not apply to lands within any national park now owned by any religious organization and used exclusively for religious purposes.

With the following committee amendment:

Amend the title so as to read: "A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation by the Government, and for other purposes."

Mr. COLTON. Mr. Speaker, as one of the gentlemen of the House who is interested in this bill has just stepped out of the Chamber, I ask unanimous consent that the further consideration of the bill be deferred, and I shall call up another bill.

The SPEAKER. Without objection, the bill is withdrawn.

There was no objection.

CONVEYANCES OF LANDS BY CENTRAL PACIFIC RAILWAY

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 14457) validating certain conveyances heretofore made by Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way in and in the vicinity of the city of Lodi and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356), and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Utah asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. COLTON. Mr. Speaker, this is a bill affecting principally the State of California, and the gentleman from California [Mr. ENGLEBRIGHT] will make an explanation of the bill.

Mr. ENGLEBRIGHT. Mr. Speaker and gentlemen of the House, this bill was introduced by my colleague from California [Mr. CURRY] for the purpose of clearing up a cloud on the title of certain lots in the vicinity of the city of Lodi, and certain agricultural lands along the right of way of the Central Pacific Railway.

Under the act of July 1, 1862, the Central Pacific Railway was granted a right of way 400 feet in width from Ogden, Utah, to San Francisco, Calif. In many places along the route of the said right of way the railway company only utilized and claimed 50 feet on each side of the track, or a strip of right of way 100 feet in width.

After the railway was constructed there were various titles given to lands overlapping the 400-foot right of way. Homesteads were granted, cities were laid out, and city lots sold that conflicted with the railway's right of way granted by Congress.

In order to clear the title to these lands this bill proposes to validate the quitclaim deeds that have been given by the railway company to the various landholders.

There is not any controversy on the bill so far as the railway company or the landholders or the State of California is concerned. It is purely a matter to clear up the title whereby the owners of these lots can secure loans or have extensions made of loans that are now on the lands, and to give a clear title to many farmers and landholders whose lands happen to overlap the 400-foot right of way.

The SPEAKER. The Clerk will report the bill.

Mr. COLTON (during the reading of the bill). Mr. Speaker, the bill is largely a description of the lands affected by the bill, and I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Utah asks unanimous consent to dispense with the further reading of the bill. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the conveyances hereinafter particularly described and heretofore executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interests therein, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, and forming a part of the right of way of said Central Pacific Railway Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (vol. 12, U. S. Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862" (vol. 13, U. S. Stat. L. 356), are hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyances by the corporations making the same under absolute fee simple title.

The conveyances, recorded in office of county recorder of San Joaquin County, Calif., in book of official records, which are hereby legalized, validated, and confirmed, are as follows:

1. September 6, 1928; Mary A. Larson; volume 247, page 211.
2. September 6, 1928; Pacific Fruit Exchange, a corporation; volume 247, page 213.
3. September 6, 1928; San Joaquin County Table Grape Growers' Association, a corporation; volume 247, page 214.
4. October 3, 1928; San Joaquin County Almond Growers' Association, a corporation; volume 247, page 260.
5. October 3, 1928; National Fruit Products Co., a corporation; volume 247, page 261.
6. October 3, 1928; Beckman, Welch & Thompson Co., a corporation; volume 248, page 480.
7. September 6, 1928; C. C. Bidwell; volume 249, page 371.
8. September 6, 1928; Bert Rinfret; volume 249, page 373.
9. August 28, 1928; Joseph P. Gilbeau, also known as J. P. Gilbeau; volume 249, page 374.
10. September 6, 1928; Annie T. Kels; volume 249, page 376.
11. August 28, 1928; Theodore H. Beckman; volume 249, page 377.
12. September 6, 1928; J. Henry Pope; volume 249, page 379.
13. September 6, 1928; Frank H. Buck Co., a corporation; volume 249, page 380.
14. September 6, 1928; Silas W. Hopkins; volume 250, page 302.
15. September 6, 1928; Emma Corbin; volume 250, page 303.
16. September 6, 1928; Vineyard Farming Co., a corporation; volume 250, page 304.
17. September 6, 1928; county of San Joaquin, a political subdivision of the State of California; volume 250, page 306.
18. October 3, 1928; The Lodi Canning Co., a corporation; volume 250, page 354.
19. October 3, 1928; John C. Bewley; volume 250, page 356.
20. September 6, 1928; Lawrence Holding Co., a corporation; volume 255, page 216.
21. September 6, 1928; Theodore H. Beckman; volume 255, page 218.
22. September 6, 1928; Pacific Gas & Electric Co., a corporation; volume 256, page 173.
23. September 6, 1928; Union Ice Co., a corporation; volume 256, page 174.
24. September 6, 1928; Adolphus Eddlemon; volume 256, page 175.
25. September 6, 1928; Nellie R. Henderson and Georgia H. Garner; volume 256, page 177.
26. September 6, 1928; Sarah J. Graham; volume 256, page 178.
27. September 6, 1928; C. R. Van Bushkirk; volume 256, page 179.
28. September 6, 1928; George Le Feber; volume 256, page 181.
29. September 6, 1928; city of Lodi, a municipal corporation of the State of California; volume 256, page 182.
30. September 6, 1928; George Kaiser and Mattie M. Stein; volume 256, page 184.
31. September 12, 1928; California Trust Co., a corporation; volume 256, page 192.
32. October 3, 1928; Henry C. Beckman, also known as H. C. Beckman; volume 256, page 248.
33. October 6, 1928; Lee Jones; volume 256, page 262.
34. September 6, 1928; George W. Ashley; volume 257, page 241.
35. September 6, 1928; John N. Ballantyne and John C. Bewley; volume 257, page 243.
36. September 6, 1928: Lodi Fruit Growers' Association, a corporation; volume 257, page 244.
37. August 28, 1928; A. V. Friedberger, Leo Friedberger, Maurice Friedberger, Ray Friedberger, and William Friedberger; volume 257, page 246.
38. September 6, 1928; Security Building and Loan Association, a corporation; volume 257, page 247.
39. September 6, 1928; Herschel T. Mason; volume 257, page 249.
40. October 3, 1928; Earl Fruit Co., a corporation; volume 257, page 320.
41. October 3, 1928; The Citizens' National Bank of Lodi, a corporation; volume 262, page 16.
42. October 6, 1928; Lodi Storage & Milling Co., a corporation; volume 262, page 32.

Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right of way to a width less than 50 feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established and maintained: *And provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Co. and its lessee, Southern Pacific Co.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 7, after line 4, insert a colon and the following: "*And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

ISSUANCE OF PATENTS FOR LANDS CONTAINING COPPER, LEAD, ZINC, SILVER, ETC.

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 15919) to authorize the issuance of patents for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 15919. This bill is on the Union Calendar, and the House resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk reported the bill, as follows:

A bill (H. R. 15919) to authorize the issuance of patent for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes

Be it enacted, etc., That, in the discretion of the Secretary of the Interior, locations made under the lode mining laws of the United States upon unreserved public lands claimed to contain, at depth, copper, lead, zinc, or silver and their associated minerals, the actual existence of which can be demonstrated only through deep shafts or other deep underground workings, may be passed to patent upon evidence satisfactory to him of the mineral character of the land, without the requirement that applicants show an actual discovery of mineral upon or within the limits of their claim or claims: *Provided*, That not to exceed 640 acres of land may be located, held, applied for by, or patented to any one individual or corporation under the provisions of this act.

SEC. 2. That the Secretary of the Interior is authorized to make any rules and regulations necessary to carry this act into effect.

With the following committee amendments:

In line 2 of the title, after the word "zinc," insert the word "gold,".

In line 6, after the word "zinc," insert the word "gold,".

On page 2, in line 3, after the word "that," strike out everything up to and including the word "act," in line 6, and substitute the following: "all the requirements, conditions, and limitations of the lode mining laws shall apply to locations, applications for, and patents made or issued under this act, except the requirement of an actual discovery of mineral upon or within the limits of the claim or claims: *And provided further*, That locations made, patents applied for, or issued under this act shall be in the form and manner required by applicable mining laws, and the total aggregate acreage of land which may be so located, held, applied for, or patented to any one individual or corporation under the provisions of this act shall not exceed 640 acres."

Amend the title so as to read: "A bill to authorize the issuance of patent for lands containing copper, lead, zinc, gold, or silver and their associated minerals, and for other purposes."

Mr. COLTON. Mr. Chairman, I yield to the gentleman from Arizona [Mr. DOUGLAS] such time as he may need to explain the bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, under existing mining laws, a mining claim of 20 acres can not be located, and the patent for the claim can not be issued, until actual discovery of mineral in place has been made. Under the law a person in locating a claim must establish a discovery and expend on the location $50, and thereafter must expend, to hold the claim by virtue of the location, an annual amount of $100. To obtain a patent for that claim he must expend $500 in improvements and must establish the actual discovery of valuable rock or mineral in place. The term "in place" is used to distinguish mineral as an integral part of solid rock from that floating on the surface.

There are certain well-established and well-known mining areas in which there is no surface evidence of mineral deposits—areas in which deposits are known to exist, in which deposits are now being worked, but in which there is no surface evidence of deposits. Under existing law and regulations the department has ruled that there is not sufficient authority vested in the Secretary of the Interior to grant a patent for a claim located in such areas, because of the fact that it is impossible to make an actual discovery except through sinking a deep shaft at an expense of a good many thousand dollars—running

frequently into hundreds of thousands of dollars—and without expending considerable money, possibly, in diamond drilling, which in certain areas is useless for the purpose of actual discovery of commercial deposits.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will.

Mr. ENGLEBRIGHT. Even though a shaft might not be sunk by diamond drill work, it might be evident from geological conditions that a valuable deposit did exist under the land if it was of a mineral character.

Mr. DOUGLAS of Arizona. That is a fact; and recently instruments have been developed which although not conclusive yet, nevertheless, may establish a strong reasonability of the existence of a deposit. These instruments are used in cases where there is no actual surface indication of mineralization.

Under existing law claims in such areas can not be patented. There is no limitation imposed upon the area which can be located or the number of claims for which patents may be issued, provided the other requirements of the law are fulfilled.

For the purpose of rectifying the conditions which now exist, which prevent mining prospectors who have held claims for years from obtaining patents, and which prevent any mining company from obtaining patent, this bill was introduced. It grants the Secretary of the Interior the authority to issue a patent for a mining claim when satisfactory evidence has been introduced—that is satisfactory to him and to the department—that the claim is actually mineral in its character. It authorizes him to issue a patent for such a claim without evidence of actual discovery in place. It imposes a limitation of 640 acres on the acreage which can be so patented.

It is provided that all other requirements of the lode mining law must be complied with. That is the explanation of the bill.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. ENGLEBRIGHT. When the gentleman stated it relieves evidence of actual discovery does not he mean in the bill itself there is something better than evidence of the discovery, and that is the actual existence of the mineral?

Mr. DOUGLAS of Arizona. Under the bill it would not be required that there be established the existence of a commercial deposit.

Mr. ENGLEBRIGHT. No; I don't mean that.

Mr. DOUGLAS of Arizona. It simply means that in well-known mineralized areas in which ore bodies have been worked profitably, and probably now are being worked profitably, mining claims can be patented without compliance with that portion of the present law, which requires the discovery of mineral in place.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. MORTON D. HULL. What is the test for the exercise of the discretion which is vested in the Secretary of the Interior under the terms of this proposal.

Mr. DOUGLAS of Arizona. The test under the terms of this proposal is simply that he must be convinced of the mineral character of the land. In his letter on the subject he refers to existing mineralized areas. There are many such areas. There is one, for example, in Bisbee, Ariz., in which probably two or three of the many great ore deposits appeared on the surface either by way of actual appearance of ore or appearance of some evidence of ore, though not ore itself. The other many and valuable deposits have no evidence of outcropping on the surface in any way whatever, and yet it is recognized here in the department, and recognized everywhere for that matter, that a certain large area in that district is distinctly mineral in character. Yet, under existing law no patents can issue.

Mr. MORTON D. HULL. Under existing law there is a real test, is there not?

Mr. DOUGLAS of Arizona. There is a real test of the discovery of minerals in place.

Mr. MORTON D. HULL. But under this proposal there is no real test in the exercise of the discretion by the Secretary.

Mr. DOUGLAS of Arizona. For the reason that there can be no test, unless one is required to spend $250,000 or $300,000.

Mr. MORTON D. HULL. My question goes to the further question as to whether there is not some test that can be applied. The gentleman thinks there is no test?

Mr. DOUGLAS of Arizona. I doubt very much whether there is a test that can be made applicable to such cases which will not involve an expenditure of many thousands of dollars, as compared with the expenditure of $500 under existing law.

Mr. MORTON D. HULL. This does not include oil?

Mr. DOUGLAS of Arizona. No; this does not include oil.

Mr. COLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Chairman, for the benefit of the RECORD, I want to make a few remarks regarding this bill. The need for it has been apparent for some years, if the advice of the Secretary of the Interior is to be taken into consideration. The location of a claim is done in the following manner at the present time: You must make a discovery of mineral in place, and you locate a claim 600 feet wide by 1,500 feet long. The claim may be less than 300 feet, but it can not be more than 300 feet on each side of the point of discovery. Any claim less than 300 feet wide is called a fraction of a claim. A claim comprises 20 acres. If a number or group of claims are located along the lode, or along the line of the outcropping of the ore, a man or a company or a partnership desires something more than this. They want some protection ground on both the upper and the lower side of their claims. They want some protection on each end, so that if in the pursuit of their ore underground they encounter ore which falls out of their side or end line, they would be protected from encroachment by somebody else, where some one will claim an apex and file suit for all ore extracted. So it is necessary to have ground outside of the group that you think actually contains mineral. Secondly, when you have performed a hundred dollars' worth of work on each claim, and you have performed that annual work for five years, or have made $500 worth of improvements on each claim, you make application for patent. It is customary to not only include the 2 or 4 or 10 claims that you may have along the strike, but in making application for patent you also include this protection ground on the upper and lower sides and on each end. When it comes to the General Land Office they say, "We can not give you a patent for any land unless it contains a known discovery."

The General Land Office will send out experts, members of the Geological Survey, and also from the General Land Office, mineral division, and they examine the land and may find that only two claims in the group contain known deposits of ore; ore in place; and they will give a patent for only those two claims and exclude the others. The man applying for the patent or the firm or partnership is willing to pay $5 an acre for each acre of ground, and the lawyers' fees and the other fees, which amount to as much more. He is perfectly willing to pay $200 a claim, but the Land Office under their present ruling can not give a patent to this protection ground on each end and each side, so that the man may be safeguarded in the development of his property, whether he spends $10,000 or $10,000,000.

In addition to this actual discovery, there are known to exist what we call disseminated ore bodies, ore bodies which are not in the form of lodes but which are spread over a large area and are impregnated with known minerals, principally copper, so that we may have an outcropping of copper-bearing porphyry on two claims and on an area underground, under the wash, of hundreds if not thousands of acres. But there is no provision in the General Land Office at this time permitting a patent to such ground. In the past patents have been given to such ground under rulings made by the Secretary of the Interior, but within the past 10 years, and possibly in view of possible suits that may be brought by different claimants, the Secretary of the Interior has been very careful and has rendered but few patents to land that has not actually contained discovery of mineral in place.

For fear this bill would be misinterpreted by some future Secretary of the Interior or by some future Commissioner of the General Land Office, I wanted it strictly understood that the provisions of the present mining law were not being changed, and also that a claim shall still consist of 20 acres, shall still consist of an area 600 feet wide by 1,500 feet long, and that a man must do his assessment work of a hundred dollars a year on each claim, and that he must do $500 worth of work on each claim in order to get a patent, and must locate claim after claim, depending on the number of claims that he wants.

Under the provisions of the present law without this new legislation a number of men can locate on any number of claims they want and string it out anywhere from 5 to 20 miles and locate all in that area. They can locate 640 acres or 1,280 acres. This bill specifically states that 640 acres can be patented to any one man or firm or corporation or locator, the word "locator" is the correct word, without a discovery being made. Then the provisions of this law will authorize that this area or this exterior land of nonmineral character may be located and patented to a claimant without actual discovery of ore in place—a lode—and also permit the locator to obtain the land, mineral in character but minerals located hundreds of feet beneath the surface. It must be proven to the General Land

Office and the Secretary of the Interior that that mineral actually exists. Now, consequently, he must dig in order to find whether it is mineral or not.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. ARENTZ. I will.

Mr. EVANS of Montana. How, under this bill, can the claimant or locator do the assessment work if he does not find any mineral in place on a known lode or lead?

Mr. ARENTZ. The gentleman from Montana is striking at the keynote of this thing. The gentleman has gone to the crux of the situation and comes to a thing I have been questioning for some time. That point has naturally come to my mind, and possibly has come to that of the gentleman, and in time the proponents of mining legislation will say, "What is the use of us digging a hole and spending $100 on that hole when it is only gravel? What is the use of going into a territory we know does not contain mineral except two or three hundred feet deep and have to dig and spend $100 on assessment work?"

Let us do something else and put this money in roads or put the $100 to something else. Now, I am opposed to that sort of thing. What I want to do is to have the money that is demanded for assessment work actually put on the ground. I think under this bill possibly the thing will be done. Set up a drilling outfit and start a hole 6 or 8 inches in diameter and send it down to a point where the mineral is expected; and if we do not find it at that point put another here and another there, and in time we will find the mineral if it exists. I would not be in favor of doing away with the $100 worth of work, because I have frequently stated on the floor of this House and in committee that you can only make a mine by the magic point of the pick and the sweat of a man's brow. I do not want to change all this now at the expense of the prospector and small operator. I do not want to harm the old prospector in his effort to make a livelihood; he it is who has kept alive these ghost cities of the West, and through his effort over a long term of years the attention of capital is being drawn to these old camps. If assessment work is done away with, you eliminate the prospector from the picture.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. ARENTZ. Mr. Chairman, I would like to ask for five minutes more.

Mr. COLTON. I yield to the gentleman five minutes more.

Mr. EVANS of Montana. Then I understand it is the gentleman's theory that before a patent can be issued assessment work equal to the assessment work required under the present law must be done?

Mr. ARENTZ. I had the honor to present this amendment, and I think it safeguards the situation; and if it does not, I know that the gentleman from Arizona is strictly in accord with the idea of making this thing conform to the present mining laws; and I know he is sincere about that; and if the wording of this amendment does not do that thing, he wants your help, and I hope he will get it. The amendment provides:

> All the requirements, conditions, and limitations of the lode mining laws shall apply to locations, applications for, and patents made or issued under this act, except the requirement of an actual discovery of mineral upon or within the limits of the claim or claims: *And provided further,* That locations made, patents applied for, or issued under this act shall be in the form and manner required by applicable mining laws, and the total aggregate acreage of land which may be so located, held, applied for, or patented to any one individual or corporation under the provisions of this act shall not exceed 320 acres.

Mr. EVANS of Montana. In other words, if a locator could prove to the satisfaction of the Secretary of the Interior that there is ore within a given tract of land on which he has expended the amount of money now required by law, which is $500, he can get a patent?

Mr. ARENTZ. Yes. Under the present law if he applies for a patent he has got to lie in order to get a patent to land nonmineral in appearance; and further than that, in many sections of the West, where all the easy locations discoverable have been made, you may find an area of porphyry thoroughly leached but containing certain secondary minerals, indicating to the practical eye that there is in all likelihood secondary enrichment at depth which has produced low grade but commercial ore over a considerable area that there may be mineral there. He says: "If this ore is mineral in character, as proven by drill holes, then the area surrounding, which may be a thousand acres in extent, may be mineral also."

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. LEATHERWOOD. Does the gentleman advocate the doctrine of geological inference?

Mr. ARENTZ. If the gentleman will refer to the hearings on the Utah school lands bill in regard to the mineral character of these lands, as determined by the General Land Office, he will find that I have been absolutely in favor of not too broad an interpretation of mineral character of land through geological inference.

Mr. LEATHERWOOD. Mining engineers and others have led me to believe that geological indications are not always a sure basis of judgment.

Mr. ARENTZ. Only to a limited extent. I think we should use the utmost care in applying the principle of geological inference. You can get two or three men together and one man will say that a coal deposit, for instance, extends a certain distance under the surface area, where other men may be convinced that it may taper out or be nonexistent. We should be very careful in bringing into the case the doctrine of geological inference.

The CHAIRMAN. The time of the gentleman from Nevada has again expired.

Mr. ARENTZ. Mr. Chairman, may I have five minutes more?

Mr. COLTON. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. ARENTZ. As I understand this bill, it compels you to do exactly as is done now under the present law, under which you may apply for 60 claims for patent if you wish. But in this case it limits an applicant for patent to 32 claims. Under the old law you could make 60 or 100 or more. This gives you the right to apply for patent for 32 claims. Under the old law you must make proof of discovery on each claim of actual ore in place. Under this proposed law you do not need to have this evidence, but you must prove your contention to the satisfaction of the examiner.

Mr. LEATHERWOOD. Could you do that without showing any mineral in place in a 640-acre tract?

Mr. ARENTZ. This is the exact meaning of the law. As I told you, my amendment was offered to the bill, and there seemed to be no objection to it in the committee. I think the amendment safeguards against any wrong interpretation that may be put on the bill by the Secretary of the Interior.

Mr. LEATHERWOOD. The gentleman has had a good deal of experience under the operation of the old law. Are the old-time prospectors and miners who went out in the past and located great mines in sympathy with the provisions of this bill? Is the gentleman in sympathy with them?

Mr. ARENTZ. I am in sympathy with the old-time prospectors and miners, and I will not object to the old-time prospectors and miners holding on to the claims they have and obtain as many more as they are willing to hold. I do not want to see them curtailed in any respect in regard to their operations. No old prospector is in the habit of prospecting until he has reasonable promise of ore in sight. I would be opposed to the bill if it were not for this amendment.

Mr. LEATHERWOOD. Is the old-time miner for this bill?

Mr. ARENTZ. My friend, the old-time prospector and miner is interested in bringing money into the community, and I feel that this bill, safeguarded as it is by my amendment, should be enacted, compelling the big man—I think you are talking about the prospector in his relation to the big man—so that the big man will come into every mineral section of any State where there is a reasonable chance of his developing a paying mine, but no matter how large an area the operator locates the claims must be not to exceed 20 acres in extent; $100 must be expended at each claim every year until application is made.

Mr. LEATHERWOOD. I appreciate that and I applaud the motives of the gentleman, but are the old-time miners in favor of this bill?

Mr. ARENTZ. I want you to ask that question of the gentleman from Arizona [Mr. DOUGLAS]. I have safeguarded their interest through the adoption of my amendment.

Mr. YON. Will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. YON. Is the gentleman for the bill or against it?

Mr. ARENTZ. In its present form I am in favor of the bill. I am in favor of it with the amendment I have offered to it.

The CHAIRMAN. The time of the gentleman from Nevada has again expired.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Arizona [Mr. DOUGLAS] in order that he may answer the question propounded by the gentleman from Utah.

Mr. DOUGLAS of Arizona. Mr. Chairman, I can answer that question very shortly; yes.

Mr. LEATHERWOOD. That is what I wanted to know.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WILLIAMSON. Will not the result of this bill be that a good many 640-acre tracts will be patented upon which there will be no mineral discovery? What then becomes of the title to that land?

Mr. DOUGLAS of Arizona. In the well-known mineral areas there are not as many as 640 acres frequently open to patent.

Mr. WILLIAMSON. Then, the result might be that we might patent 640 acres, and in the end there would be no mineral discovery.

Mr. DOUGLAS of Arizona. Under existing law you can patent a claim on which you have discovered mineral in place, but still find no commercial deposit; in fact, the great, great bulk of patents so issued are issued for claims on which no commercial deposit has been discovered.

Mr. WILLIAMSON. Does that transfer to the one who files a claim the title in fee, regardless of whether a discovery is made or not?

Mr. DOUGLAS of Arizona. After a patent has been issued, yes; and the same condition exists to-day. I can go out on any number of places and make a discovery of mineral in place, do my $500 worth of work on that claim and obtain a patent for it, yet I may never discover a commercial deposit there.

Mr. WILLIAMSON. Can a man sell and transfer that land the same as any other tract of land?

Mr. DOUGLAS of Arizona. He can sell and transfer it, yes; but, of course, it would be valueless unless he had discovered some deposit.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. LEATHERWOOD. I think, perhaps, I am in accord with that, but I am interested.

Mr. DOUGLAS of Arizona. It is an interesting bill.

Mr. LEATHERWOOD. As a matter of fact, does this not make it possible for an individual who goes out and makes a lode location on mineral in place to then monopolize the immediate neighborhood? Does it not do that?

Mr. DOUGLAS of Arizona. No; it does not.

Mr. LEATHERWOOD. Why?

Mr. DOUGLAS of Arizona. Because the mere existence of mineral in place on one claim can not be taken as satisfactory evidence that all the surrounding claims are likewise mineral in character.

Mr. LEATHERWOOD. I think that is very true, as we have found to our bitter experience.

Mr. DOUGLAS of Arizona. And I have found it to my very bitter experience to be true.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, in the discretion of the Secretary of the Interior, locations made under the lode mining laws of the United States upon unreserved public lands claimed to contain, at depth, copper, lead, zinc, or silver and their associated minerals, the actual existence of which can be demonstrated only through deep shafts or other deep underground workings, may be passed to patent upon evidence satisfactory to him of the mineral character of the land, without the requirement that applicants show an actual discovery of mineral upon or within the limits of their claim or claims: *Provided,* That not to exceed 640 acres of land may be located, held, applied for by, or patented to any one individual or corporation under the provisions of this act.

With the following committee amendments:

Page 1, line 6, after the word "zinc," insert the word "gold."

Page 2, line 4, after the word "That," strike out the remainder of the line and all of lines 5, 6, and 7 and insert: "all the requirements, conditions, and limitations of the lode mining laws shall apply to locations, applications for, and patents made or issued under this act, except the requirement of an actual discovery of mineral upon or within the limits of the claim or claims: *And provided further,* That locations made, patents applied for, or issued under this act shall be in the form and manner required by applicable mining laws, and the total aggregate acreage of land which may be so located, held, applied for, or patented to any one individual or corporation under the provisions of this act shall not exceed 640 acres."

Mr. YON. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. YON: On page 2, line 17, after the word "exceed," strike out "640 acres" and insert in lieu thereof "320 acres."

Mr. DOUGLAS of Arizona. Mr. Chairman, that amendment is acceptable to me.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendments as amended.

The committee amendments as amended were agreed to.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior is authorized to make any rules and regulations necessary to carry this act into effect.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. SNELL, Speaker pro tempore, having assumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15919) to authorize the issuance of patents for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

EXCHANGE OF GOVERNMENT LAND IN BOX ELDER COUNTY, UTAH

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 15328) to authorize the exchange of 18 sections of Government land for an equal number of sections of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes.

This bill is on the Union Calendar, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to exchange 18 sections of Government land located in Box Elder County, Utah, for an equal number of sections of Utah State land, the exchange being made for the purpose of experimental sheep growing, the experiments to be conducted by persons designated by the director of the Utah Agricultural Experiment Station, the work to be carried on in cooperation with the Utah Agricultural Experiment Station.

With the following committee amendments:

On page 1, line 4, strike out "Government land" and insert in lieu thereof "surveyed, vacant, unreserved, and nonmineral public lands"; and in line 7, strike out the words "sections" and "land" and insert in lieu thereof the words "lands of the same character"; and amend the title.

Mr. COLTON. Mr. Speaker, there is evidently an error. The word "value" should be substituted there. The committee amendment also included or should have included the striking out of the word "number" in line 6 and inserting the word "value," so that it would read "for an equal value," and I offer an amendment to that effect.

The SPEAKER pro tempore. The gentleman from Utah offers an amendment to the committee amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON to the committee amendment:

On page 1, in line 6, strike out the word "number" and insert in lieu thereof the word "value."

The amendment to the committee amendment was agreed to.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Amend the title so as to read: "A bill to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes."

BOISE NATIONAL FOREST, IDAHO

Mr. COLTON. Mr. Speaker, I call up the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho.

This bill is on the Union Calendar and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. McMILLAN. Mr. Speaker, reserving the right to object, will the gentleman state the character of the bill?

Mr. SMITH. It proposes to place in the national forest about 12 townships of land that are near the mountain tops, and which are now outside of the national forest, in order that the stream flow may be protected. Under existing conditions it is pastured without any control, and the stock tramps out the underbrush, permitting the snow to melt much more quickly than if properly protected as are lands in the national forests.

Mr. EVANS of Montana. May I ask the gentleman what State this land is in?

Mr. SMITH. In Idaho.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. COLTON (during the reading of the bill). Mr. Speaker, the rest of the bill is just a description of the land, and I ask unanimous consent that the further reading of the bill be dispensed with, with the understanding that the bill will be printed in the RECORD in its entirety.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bill is as follows:

Be it enacted, etc., That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flows may, with the approval of the Secretary of the Interior, be included within and made a part of the Boise National Forest by proclamation of the President, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests:

The west half of section 2; all of sections 3, 4, 5, 6, 7, 8, 9, 10; the west half of section 11; all of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, in township 4 south, range 2 west, of the Boise meridian, State of Idaho. All of township 4 south, range 3 west, of the Boise meridian, State of Idaho. All of what will be when surveyed of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, in township 4 south, range 4 west, Boise meridian, State of Idaho. All of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 4 west, Boise meridian, State of Idaho. All of sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 3 west, Boise meridian, State of Idaho. All of sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, township 5 south, range 2 west, Boise meridian, State of Idaho. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in township 6 south, range 2 west, Boise meridian, State of Idaho. All of township 6 south, range 3 west, Boise meridian, State of Idaho. All of township 6 south, range 4 west, Boise meridian, State of Idaho.

The SPEAKER pro tempore. The Clerk will report the committee amendment:

The Clerk read as follows:

Page 1, strike out all of lines 3 to 10, inclusive, and insert in lieu thereof the following:

"That subject to any valid existing claim or entry all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made part of the Boise National Forest, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL FORESTS IN MONTANA

Mr. COLTON. Mr. Speaker, I call up the bill (S. 1511) for the exchange of lands adjacent to national forests in Montana.

This bill is on the Union Calendar, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. SEARS of Florida. Mr. Speaker, reserving the right to object, have the Democratic colleagues of the gentleman been conferred with with respect to these bills?

Mr. COLTON. I did not catch the gentleman's question.

Mr. SEARS of Florida. Have the members of the committee on this side been notified what bills would be brought up?

Mr. COLTON. I think so, and the ranking member of the committee on the Democratic side is here.

Mr. SEARS of Florida. I am speaking of the bills as a whole and not this particular bill.

Mr. Speaker, I make the point of no quorum. I think we ought to have the Members here.

Mr. COLTON. Mr. Speaker, will the gentleman reserve his point for a moment?

Mr. SEARS of Florida. Yes; I will reserve it.

Mr. COLTON. I just want to explain that these bills have been reported out by the unanimous vote of the committee and the ranking member of the committee on the Democratic side is here.

Mr. EVANS of Montana. And it is my desire that the bill come up.

The SPEAKER pro tempore. The gentleman from Florida makes the point of order that there is not a quorum present. Evidently there is not a quorum present.

Mr. COLTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed, the Sergeant-at-Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 15]

Abernethy	Dickstein	Knutson	Rainey
Aldrich	Doyle	Kunz	Ramseyer
Anthony	Drewry	Lindsay	Reed, Ark.
Auf der Heide	Estep	Lozier	Reid, Ill.
Bacon	Fish	Luce	Rogers
Beck, Pa.	Fitzpatrick	Lyon	Sirovich
Beck, Wis.	Garner, Tex.	McClintic	Spearing
Beedy	Gasque	McCormack	Stalker
Berger	Glynn	McSwain	Stedman
Black, Tex.	Golder	Maas	Stobbs
Boies	Graham	Major, Mo.	Strother
Britten	Griest	Manlove	Sullivan
Browne	Hadley	Martin, La.	Swick
Buchanan	Hale	Mead	Taylor, Colo.
Buckbee	Hall, N. Dak.	Monast	Taylor, Tenn.
Bushong	Hammer	Montague	Temple
Carew	Haugen	Mooney	Tillman
Carley	Hawley	Moore, Ky.	Timberlake
Celler	Hill, Ala.	Moore, N. J.	Treadway
Clancy	Howard, Okla.	Moore, Va.	Underwood
Cole, Md.	Hudspeth	Morin	Updike
Collins	Hughes	Morrow	Vestal
Combs	Hull, Tenn.	Murphy	Vinson, Ky.
Connolly, Pa.	Igoe	O'Connor, N. Y.	Ware
Crisp	Jeffers	Oliver, N. Y.	White, Kans.
Crosser	Johnson, S. Dak.	Palmer	Wilson, Miss.
Crowther	Johnson, Wash.	Palmisano	Wolverton
Culkin	Kearns	Parker	Wood
Cullen	Kelly	Parks	Woodrum
Curry	Kent	Peery	Wurzbach
Darrow	Kiess	Pou	Wyant
Davey	Kindred	Pratt	Yates
DeRouen	King	Quayle	

The SPEAKER pro tempore. Two hundred and ninety-five Members have answered to their names; a quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WAINWRIGHT. Mr. Speaker, the gentleman from Pennsylvania [Mr. MORIN], the gentleman from South Carolina [Mr. McSWAIN], and the gentleman from West Virginia [Mr. HUGHES] are at an important hearing by the Subcommittee on Military Affairs, and ask to be excused.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to revise my remarks on the District appropriation bill and to include therein an editorial in the Evening Star of yesterday.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks on the District appropriation bill, and include therein an editorial from the Evening Star. Is there objection?

Mr. UNDERHILL. I object.

The SPEAKER pro tempore. The gentleman from Utah calls up the bill H. R. 1511, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of March 20, 1922 (42 Stat. L. 465), entitled "An act to consolidate national-forest lands," are hereby extended to include any suitable lands in the State of Montana situated within 6 miles of a national-forest boundary. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest nearest to which they are situated.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. GRIFFIN. Mr. Speaker, I renew my request for unanimous consent to revise my remarks on the District appropriation bill, eliminating the editorial in the Star.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise his remarks on the District appropriation bill. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, for two days the House has had under consideration the District of Columbia appropriation bill. It had the "usual consideration"; that is, there were from 20 to 30 Members out of a legislative body of 435 Members who took enough interest in the subject to honor the proceedings with their presence.

No more significant or pregnant commentary than that can be made on the folly of committing the government of the District to the National Congress—and I do not use the language in a deprecatory sense.

The conclusion is obvious that a huge and unwieldy body, constituted as Congress is, has not the temper nor the inclination to devote the care and attention to municipal local matters that the subject peremptorily requires. The membership of the House is elected primarily for the handling of national affairs and, of course, largely confines its activities within those limits.

Excepting the members on the District legislative committee and the five members on the subcommittee who handle the appropriations for the District there are few in the House who feel disposed to take any interest in District government, and that, in my opinion, shows very conclusively that some plan of government must be worked out to accord to the people of the District a voice in their own affairs.

The Members of the House who take a live interest in District matters may talk until they are black in the face. No matter how logical their reasoning, their arguments are futile when the matter is put to a vote, for the bulk of the membership go through the cavortings of the old childhood game of "follow the leader." The issue is settled by force and not by reason.

I have some vital objections to the present bill, which I dwelt upon in my speech of the 22d instant.

I showed the folly of the invariable annual lump-sum method of settling the obligations of the Federal Government to the taxpayers of the District by an argument that is unanswerable. The Washington Star in a leading editorial yesterday accepts my reasoning, as do many of the Members who have given the subject careful study. The trouble is that there are not enough of them to take the pains to study the question.

I also dwelt on the neglect of Congress to provide adequate sewers to furnish sanitation facilities to 3,178 families who are compelled to use open privies and who are compelled to use well water, probably polluted.

I dwelt upon the insufficiency of the sewerage facilities to protect the beautiful Rock Creek Park from pollution.

I dwelt upon the fact that in this Capital of the Nation there are 221 part-time classes necessitated by the failure of Congress to provide school accommodations.

I dwelt upon the defective paving and the insufficient lighting of the Capital streets.

My colleague from Pennsylvania [Mr. CASEY] dwelt upon the failure of the Budget Bureau to assent to the request of the Commissioners of the District that the plan we inaugurated in last year's bill be fulfilled by appropriating in this year's bill the balance of the money justly due the employees of the District to bring their pay up to the basic pay of other employees in the Federal service of the same grade.

Being opposed to the bill before us on these grounds, the question arises whether, in moving to recommit the bill, I ought to embrace all of them or confine the motion to one amendment.

I have decided on the latter course, and in order that the House may have some inkling of its import I want to make this brief argument:

THE MOTION TO RECOMMIT—WHAT IS IT ALL ABOUT?

Last year, in considering this appropriation, we found it would take $340,000 to provide step-ups in the pay of District employees to bring their basic pay up to the level of that accorded to similar employees in over 30 departments of the Federal Government doing the same grade of work.

This sum was not due them as a mere gratuity but was due them as a matter of law. The law required it; yet the bill of last year as submitted to us only provided for $37,555. Our committee, after conference with our late friend and colleague, Mr. Madden, then chairman of the Appropriations Committee, raised this particular item to $175,000, with the distinct understanding that the balance, or $165,000, would be included in this year's bill.

This understanding has not been lived up to, and the excuse is offered that the Welch bill has in the meantime raised all the salaries and has therefore made a further fulfillment of our obligations unnecessary.

This excuse will not bear analysis. The Welch bill took the basic pay of all of the employees—those that had been fixed in accordance with the law, as well as the basic pay of those unfortunates whose pay had not been adjusted in accordance with the requirements of the law—and gave all a simultaneous parallel raise.

The result is that those orginally discriminated against are still discriminated against—they got a little more pay through the Welch Act, but so did those employees whose higher salaries were in conformity with the law. Thus the Welch Act only accentuated the discrimination instead of removing it as was intended.

The disparity in the two classes of employees was not eliminated. What we want to do and what we ought to do is, first of all, to put the salaries of the discriminated employees on the same legal level with that of the favored classes of employees so that the Welch Act may operate with fairness. It will take $165,000 to do this—in other words, comply with the law—and that will be my motion to recommit.

LANDS OWNED BY RELIGIOUS ORGANIZATIONS

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 16352) providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of the Government to purchase through condemnation shall not apply to lands within any national park now owned by any religious organization and used exclusively for religious purposes.

With the following committee amendment:

Amend the title so as to read: "A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation by the Government, and for other purposes."

Mr. COLTON. Mr. Speaker, I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, this is the bill in regard to which I gave notice a week ago to-day, when the Interior Department appropriation bill was under consideration. At that time, you will recollect, the question was up as to condemning, if necessary, the private lands within the national parks. I gave notice at that time of my intention to introduce a bill which would exempt lands now owned by religious organizations and used exclusively for religious purposes from the right of the Government to condemn. It would not do away with the right of the Government to acquire these lands by agreement or by purchase of any part that might be agreed to by the Government and by the religious organizations, but it would make it impossible for the Government to step in and by condemnation proceedings take away from the religious organization land which it now owns and uses exclusively for religious purposes.

The situation was brought about by this fact, and it is the only situation that I have checked up with the park administration that would come within the intent of the bill: In the Glacier National Park there is an area of 75 acres that belongs to the Methodist Church organization of Montana and is used by that organization as a summer institute for young people.

It was acquired by that organization through the fact that the original homesteaders, an old Montana couple who had gone onto that land long before it became a national park, who homesteaded it, and lived there the life of pioneers, desired to do something fine for the young people of the State of Montana. They made it possible for this church organization to acquire that area, to be used by that organization for the benefit of the young people of Montana. The provision in the Interior Department bill with regard to the situation existing where private owners have lands of this kind in national parks, and where it is intended to give back to them a lifetime lease to enable them to continue to use those lands for summer-home purposes could not be made to apply in this case, because it belongs to an organization. Therefore I have written a bill in form that would allow that church organization to continue to use that area entirely for religious purposes, so long as it uses it for that purpose, and that purpose only, and it would not exempt this land just as soon as it passed into any other ownership or just as soon as it is used for purposes other than religious.

I have had this matter up with different officials of the Park Service in order to secure a report from the Department of the Interior, and I find that there is no objection in the Department to the principle of the bill. I shall not for a moment hide the fact that there are some connected with the Park Service who would like to have the bill much more restrictive than it is at the present time. An amendment is going to be offered by the gentleman from Michigan [Mr. CRAMTON] to reduce the area and to put around it further restrictions. But let us not lose sight of this fact, that this is an area belonging to an organization which was in private ownership before the park was established, and that it is not in the hands of a private party, so that giving back a lease extending through their lifetime would not be possible to meet the situation.

This Congress, when we created the Big Smoky National Park and the Shenandoah National Park in the Southern States, made exemptions of lands belonging to religious organizations and used for religious purposes, lands belonging to educational institutions and used for educational purposes, and cemeteries, and we did not impose any restriction cutting down those areas in any arbitrary way by any action of Congress. We are confronted with a clear-cut proposition of exempting this one area of land from the condemnation proceedings, and allowing that church which now owns it, coming almost as an inheritance from a couple desiring to leave a memorial to the young people of Montana, to continue to use it for religious purposes.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. WILLIAMSON. I have it in mind to offer an amendment at the conclusion of the gentleman's bill to this effect:

So long as such lands shall continue to be used exclusively for religious purposes.

Mr. LEAVITT. Mr. Speaker, I have prepared an amendment, after discussing this matter with the Park Service, which, on line 5, would strike out the word "and" and insert the word "while," which would mean the same thing, and also to strike out the word "purchased," in line 3, and insert the word "acquired," so that the bill would read:

That the right of the Government to acquire through condemnation shall not apply to lands within any national park while owned by any religious organization and used exclusively for religious purposes.

Mr. WILLIAMSON. That would be the same thing.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MORTON D. HULL. What is a religious purpose? Is using it as a summer camp, using it for religious purposes?

Mr. LEAVITT. It is used for a summer camp, a summer institute. During a comparatively short period, for about five years, it has been used in the summer. Meanwhile they are building this into what they hope to make a fine institute, where educational classes and religious work is to be done, and the young people of the Nation may be brought there for an outing under a religious influence.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COLE of Iowa. Would the gentleman object to a regulation in the bill requiring the submission of plans for additional improvements on these ground to the park commissioner?

Mr. LEAVITT. In that connection I have not offered any particular objection to an amendment in that form, because I do not think any possible question would arise with regard to that, but I have the statement from the Director of the Park Service in which consideration was given to that kind of a proposal, and it was determined through discussion with the law officer and the Director of the National Parks that that sort of thing would not really add anything to the current law. They were perfectly willing, in view of the character of this organization, to take their chances on an agreement which could be reached and with the statement being made that they had approved this bill with the understanding that there would be that sort of a conference in all such matters.

Mr. COLE of Iowa. But you are enacting a law, and setting a precedent, and would it not be well to put a clause in to that effect, so that this organization may not erect a building that would be out of harmony with the rest of the park? I hope the gentleman will put such an amendment in the bill.

Mr. LEAVITT. The amendment that is being proposed by the gentleman from Michigan [Mr. CRAMTON] does contain that sort of a provision, as I understand it.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. STRONG of Kansas. If the Government should feel that it needed any of this land, or, say, an easement on the land, like putting a road across it or to bridge over a canyon, would the gentleman's bill prevent that sort of action by the Government?

Mr. LEAVITT. The location of the road is settled and there are no canyons on the land. There is no possibility of that question arising.

Mr. STRONG of Kansas. But it would preclude the Government condemning or taking any easement to or on the land?

Mr. LEAVITT. It possibly would. So I would have no objection to having that point cleared up.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. BANKHEAD. I understand this merely relates to that particular instance in the State of Montana?

Mr. LEAVITT. That is the only case I know of.

Mr. BANKHEAD. But does the gentleman's bill by language make it a general act and applicable to all forest parks?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COLTON. I yield the gentleman five minutes additional.

Mr. LEAVITT. I will say the bill was drawn in general language before I knew this was the only area. The Park Service says this is the only area.

Mr. BANKHEAD. The gentleman can answer the question categorically. Does the gentleman's bill in language make it a general act applicable to all national parks?

Mr. LEAVITT. Yes; it does; and I see no reason why it should not if a similar situation exists elsewhere.

Mr. BANKHEAD. Suppose an institution owns a large acreage in a national park, say a thousand acres or 5,000 acres, acquired ostensibly for religious purposes, and builds some institution upon it accommodating only a few people. Would not that prevent the Government, under the terms of the gentleman's bill, from coming in on this land, although the institution itself only requires a small part of the acreage for its particular purposes?

Mr. LEAVITT. It would not, for the simple reason that the bill is written only to apply to the land now occupied by a religious institution, and only applies while they are used for religious purposes, and does not extend into the future.

Mr. BANKHEAD. That is all I desired to ask the gentleman.

Mr. LEAVITT. Mr. Speaker, I do not desire to take up the time of the House with a further statement, unless there are questions.

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I desire to propose an amendment; and I ask the chairman of the committee if he is willing for me to propose the amendment and then discuss it later?

Mr. COLTON. Yes; for the purpose of having the amendment reported.

The SPEAKER pro tempore. The gentleman from Arkansas offers an amendment for the information of the House, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WINGO: Page 1, line 6, after the word "purposes," strike out the period and insert a comma and add the following language: "or now owned by any fraternal organization and used exclusively for fraternal purposes."

Mr. WINGO. Mr. Speaker, I will explain to you why I have introduced that amendment. My colleague the gentleman from Arkansas [Mr. REED], who represents the Hot Springs district, is ill at home. This is a general bill. Inside the Hot Springs reservation, which was turned into a national park, my recollection is that there is a Hebrew hospital, maintained by some Hebrew organization—I forget which particular one. You have got an Elks' building, a lodge hall. The Masons, I think, have

a site. Whether or not they have erected a hospital or other building I do not for the moment recall. But you see the necessity for this amendment if you are going to exempt church property. There would be certainly more necessity for this kind of a provision for Hot Springs National Park than there would be for this land that is inside this national park in Montana, or wherever it is. Because in the Hot Springs National Park these properties are right there in the heart of things; and under the law which you passed the other day the Secretary of the Interior could condemn them. I do not think you want to do that. I think in most cases we donated the land for these fraternal buildings; and that is the reason why I offered the amendment.

Will the gentleman from Utah permit that amendment to be offered now? I presume the gentleman from Michigan [Mr. CRAMTON] would rather have that disposed of first. He has a substitute which he proposes to offer.

Mr. CRAMTON. The gentleman's amendment will probably be voted on before my substitute. It would be well to have it pending.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 1, line 6, after the word "purpose," strike out the period and insert a comma and add the following language: "or now owned by any fraternal organization and used exclusively for fraternal purposes."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. COLTON. Mr. Speaker, I yield to the gentleman from Montana [Mr. LEAVITT] for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman from Utah yields to the gentleman from Montana for the purpose of offering an amendment, which the Clerk will report.

Mr. DOWELL rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I rise to suggest a point of order. If the gentleman from Utah [Mr. COLTON] desires to occupy the floor and yield the floor to the gentleman from Montana for the purpose of permitting him to offer an amendment, the gentleman from Montana offering the amendment will have the floor. I merely call the attention of the Chair to the fact that when the gentleman yields the floor for the purpose of allowing the gentleman from Montana to offer an amendment, he actually yields the floor.

Mr. COLTON. Mr. Speaker, I ask unanimous consent at this time that the gentleman from Montana [Mr. LEAVITT] may offer his amendment in order that the whole proposition may be before the House, and in the meantime I retain the floor.

The SPEAKER pro tempore. It seems to the Chair that all that the gentleman has to do is to yield to him for the purpose of offering an amendment.

Mr. COLTON. I yield to him for that purpose.

Mr. DOWELL. I want to keep the RECORD straight. If this is going to be the ruling of the Chair——

Mr. LEAVITT. All that I am interested in is in having the completed bill perfected. My amendment changes only two words.

Mr. DOWELL. The only question I am interested in at all is the question of order; whether or not one having control of the time may yield for the purpose of another offering an amendment and then proceed again in command of the time. My contention is that this is not in order and that the gentleman who yields the floor for an amendment to be offered yields the floor.

The SPEAKER pro tempore. The Chair thinks that is correct. The Member to whom he yields for the purpose of offering an amendment has the floor for one hour on that amendment if he wanted to take it.

Mr. DOWELL. That would be true if he takes the floor on the amendment.

Mr. WINGO. Mr. Speaker, may I submit a unanimous-consent request to take care of it? The gentleman yielded to me. I ask unanimous consent that the control of the time and the control of the situation shall not be affected by his having yielded to me for my amendment.

The SPEAKER pro tempore. The gentleman's amendment has been disposed of.

Mr. WINGO. I ask, in order to clear the parliamentary situation, that the control be not changed by reason of that action.

The SPEAKER pro tempore. As the Chair understands it, the gentleman from Utah [Mr. COLTON] yielded to the gentleman from Montana [Mr. LEAVITT] for the purpose of offering an amendment. The Chair will rule that when the Member in charge of the bill yields to another Member for the purpose of offering an amendment, he also yields the floor. The Member who offers the amendment is then entitled to an hour to debate his amendment. The Chair will say that this ruling follows the decisions that are found in Hinds' Precedents, Volume V, sections 5029, 5030, and 5031.

Mr. DOWELL. That is what I contend.

Mr. COLTON. Mr. Speaker, in view of that ruling of the Chair—and I think it is correct—I offer the amendment which has been sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON: Page 1, line 3, after the word "to," strike out the word "purchase" and insert "acquire"; and on page 1, line 5, after the word "organization," strike out "and" and insert "while."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Utah.

The amendment was agreed to.

Mr. COLTON. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 15 minutes.

Mr. CRAMTON. Mr. Speaker and ladies and gentleman of the House, this bill, while it is intended to reach one particular situation in one national park, is broad enough in its language to affect every national park.

Now, it is a fact that neither the committee nor anyone here knows what the conditions are, definitely, in all the parks. No one knows how far-reaching this bill may be. We do have some information as to the particular situation in Glacier National Park, but there has been no study and no examination with reference to the parks as a whole.

My theory of a national park is that it is an area of land that is set apart perpetually to be used in common by all the people, and anyone or any organization that owns a part of that area and who is given the exclusive right to the use of that area to that extent is encroaching upon the national park and defeating the fundamental purposes of that park.

There may be reasons why sometimes consent might well be granted. We have seen fit to permit religious organizations to have a place where a church could be built and religious services held.

But to say to any one religious organization, "You can have not only enough land for a church but you can have 70 or 80 acres of land," means that every religious organization is entitled to that same privilege. To say that we are going to grant that privilege for religious purposes—as the House just demonstrated when it accepted the Wingo amendment—means that every fraternal organization as well ought to have the same privilege, and by the time you have taken care of the different kinds of church organizations and fraternal organizations, perhaps the next organizations we should take care of would be political organizations, and others. In other words, it is rather questionable whether a national park is to be an area set aside for the common use of all the people, or whether it is to be a place maintained by the Federal Government for the benefit of some individual landowners and organizations owning lands within the park.

By reason of the fact that this bill is only intended to reach an emergency in the Glacier National Park, if we are going to pass the bill at all it ought to be limited to the Glacier National Park, and we should take care of other parks as any emergency may arise.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. BANKHEAD. In answer to my interrogation of the gentleman from Montana a moment ago with reference to the scope of this bill, he stated very distinctly that the language of this bill only applied to property now in the possession of religious organizations, and if that is true I do not see how the argument just made by the gentleman with reference to an extension of this right could be a valid argument.

Mr. CRAMTON. There are two angles to that. In the first place, no one knows—that is, the information has not been made available—how much land is owned by religious organizations in other parks. In the second place, when you have passed a law saying that the Methodists of Montana shall have the right perpetually to set aside nearly 80 acres of land in Glacier Park, if the Baptists of Montana should come here, or the Catholics,

the Jews, the Quakers, or anybody else, and say they would like to have an area in this national park—because there is a lot of privately owned land in Glacier Park—or wanted the privilege of buying 80 acres alongside of the Methodists, I do not see how Congress could reasonably refuse to extend the privilege to the Baptists, to the Catholics, or the Jews which we are now proposing to extend to the Methodists.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. TAYLOR of Colorado. If we pass this bill, would it not be an invitation for such organizations to acquire lands in these national parks, which are largely enhanced in value by reason of the money the Government spends on the parks?

Mr. CRAMTON. Oh, yes. We maintain the roads in the parks and all these other things.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. Has anything of that kind taken place while the doors have been wide open, with no restriction whatever, and privately owned lands available in the national parks? Does the gentleman know of any other religious organization that is in the situation that it is intended to reach in this bill?

Mr. CRAMTON. No; and the gentleman from Montana is not sure as to what the situation is in other parks. But I know this: That when I asked the Park Service as to how much acreage was involved in this particular case it took some research for them to determine that fact.

Mr. LEAVITT. Is not this true or a reasonable conclusion, that if there were any considerable areas in other parks belonging to religious organizations, such as the gentleman has referred to, the Park Service would know something about it themselves?

Mr. CRAMTON. Oh, no. I do not say they do not know whether religious organizations hold lands, but the area of them and the nature of their use has not been checked up.

Now, Mr. Chairman, I would like to be permitted to proceed in my own way and make a connected statement, after which I will be very glad to yield.

Mr. BEGG. Will the gentleman yield to me for a question?

Mr. CRAMTON. Yes.

Mr. BEGG. I would like to ask the gentleman if there is any restriction placed on this organization if they should decide 5 years or 10 years from now to sell this land to a private individual?

Mr. CRAMTON. Under the amendment which has been adopted, in my judgment, the lands would be subject to condemnation if they should sell to others.

Mr. BEGG. After it is sold; but in the interim, suppose it were discovered that there were rich mineral deposits on this acreage?

Mr. LEAVITT. Let me say to the gentleman from Ohio that the mineral laws as such do not apply to the national parks.

Mr. CRAMTON. Mr. Chairman, I can not yield further, because I would like to make a connected statement. As I have said, if we are going to pass this bill we should pass it in such form as to take care of this one park and then take care of other situations as they develop. Now, let us see about the situation in this one park. A certain organization, I understand the Methodists, own a tract of land that is 73.94 acres in extent. They hold there annually, I am told by the Director of the National Park Service, for about 10 days some kind of a meeting, either an institute or something of the kind. Now, by reason of this temporary use for about 10 days each year it is proposed that they shall perpetually have the exclusive use of nearly 80 acres.

The bill says that the right to condemn land—and you understand there is no proposition pending to arbitrarily evict these people, and you ought to understand that the National Park Service has never shown any disposition to be arbitrary or harsh in its treatment of the public, and so there is no pending eviction against these people—but this bill provides that perpetually, hereafter, the general right of the Government to condemn property for public use shall not apply to lands now owned by any religious organization while, as the bill now provides, used exclusively for religious purposes.

Now, with 73.94 acres you have to give the term "religious purposes" a pretty liberal meaning in order to justify in anyone's mind that their occupancy of that amount of land is "exclusively for religious purposes."

It happens that the area they hold is located in a very attractive section of Glacier Park. As I understand, it is immediately upon Lake McDonald and extends up to the Transmountain Highway now under construction, and in their use of it they hold this annual meeting and they have been erecting shacks upon their land, scattered more or less about it, unattractive, disappointing-looking structures, some conspicuous from the highway, constituting an undesirable picture in one of the most attractive sections of Glacier National Park. I do not understand that all of this array of disagreeable shacks is necessary for their use of it for religious purposes. On the other hand, if they did not own an acre of land up there, there would be no difficulty about their going there annually and holding the kind of camp they want.

Why, everybody is urged and encouraged to go to these national parks and set up their own little camp and avail themselves of the privileges there afforded. They are encouraged to do this, and, certainly, any worthy organization that wants to go into a national park and set up a camp will have no difficulty. They will not have to own the land and will have no difficulty about it; but they will have to conform to the regulations of the National Park Service so as to be sure that their use of the land does not interfere with the pleasure of others in using the park.

I have tried to get an agreement with the gentleman from Montana [Mr. LEAVITT] to reduce this area, inasmuch as they are in the park, to an area that might reasonably be thought to have some relation to the religious use rather than to a whole aggregation of summer homes. I thought that 5 acres would certainly cover as large an area as they could want to use for religious purposes. But for them to set up their own little park for their own individual, denominational use in the midst of a national park, hardly seems to me the right policy for us to follow.

Mr. LINTHICUM. If the gentleman will permit, I would like to ask what is the total area of the Glacier National Park?

Mr. CRAMTON. Oh, it is a very large area. I do not know—it is probably as large—well, it is a very large area and, of course, 73 acres as compared with the total area of the park is nothing. It does happen, however, it is rather conspicuously located.

Mr. DALLINGER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DALLINGER. Why should there be any land in a national park, no matter by whom owned, that can not be taken by the Government if necessary?

Mr. CRAMTON. There ought not to be an acre of land in any national park that is not entirely under the control of the Government and devoted to the common use of everyone.

Mr. DALLINGER. Then why should the bill be passed at all, for 5 acres, or 20 acres, or 70 acres?

Mr. CRAMTON. In my judgment, the bill really ought not to pass at all [applause]; but I have tried to get an agreement. I am never sure just what the House will do with a bill, and I have tried to work out a way to minimize the harm that this would do.

It is true that when the gentleman from Montana [Mr. LEAVITT] consulted with the Park Service and presented this bill, the Park Service did not disapprove of the bill. This in itself is a demonstration of the attitude of the Park Service. They have no thought of running these people out of the park, or anything of that kind. But they would like the authority to regulate the kind of structures that will be put on this land.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman an additional five minutes.

Mr. CRAMTON. But the land now belongs to this organization. Of course, the only way we can acquire it is by purchase or through condemnation proceedings. The Park Service held they could not put in the bill just a straight-out requirement that plans for development of structures should be approved by the Park Service, but when I suggested to them that this exemption from condemnation be only extended to that land after they filed a statement stating its use would be for religious purposes, and that if exempted from condemnation the character of the structures would be subject to approval of the Park Service, they concluded that could be done; and so, at my request, they drafted a substitute which I have in mind to offer.

Understand this substitute represents my views rather than the views of the Park Service, although I am sure they would be quite in sympathy with this sort of a bill.

I have in mind to offer this as a substitute. Personally, I think the gentleman from Wisconsin [Mr. COOPER] is quite correct that we would be better off if we did not pass any bill. But I realize that it has become a matter of some discussion in Montana and there has been an effort in some quarters to make more or less a political issue of it.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. COOPER of Wisconsin. The gentleman refers to "the gentleman from Wisconsin." The gentleman who made the

interruption and the statement was the gentleman from Massachusetts [Mr. DALLINGER]. But the gentleman from Wisconsin, now speaking, heartily indorses the position of the gentleman from Massachusetts. [Laughter.]

Mr. CRAMTON. I am glad to hear that and glad that I made the mistake. [Laughter.]

Without desiring to be obstructive to what the gentleman from Montana is trying to do, I drafted this provision to minimize the situation.

That the right of the Government to acquire through condemnation shall not apply to any lands up to 5 acres within the Glacier National Park now owned by any religious organization while used exclusively for religious purposes: *Provided,* That before such lands shall be exempt from condemnation under the aforesaid provision said organizations shall file with the Secretary of the Interior a statement in writing certifying that particular land not exceeding 5 acres is needed and used, and shall continue to be used exclusively for religious purposes and agreeing to secure prior approval of the said Secretary of the Interior of all structures of any kind whatsoever hereafter proposed to be placed thereon as far as their location, design, and sanitation are concerned, and should such use of the land be discontinued or the said agreement withdrawn or violated then the provisions of this act shall no longer apply.

I think I have said, Mr. Speaker, all that I care to say unless there are some further questions.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. COLE of Iowa. The gentleman proposes to give certain rights to those who are there now. By what reason can you deny similar right to those who come afterwards?

Mr. CRAMTON. I think it is a dangerous precedent.

Mr. COLE of Iowa. You have no right to set a time limit.

Mr. CRAMTON. I think it is a dangerous precedent; I think because those from Montana who are near by and got in early and got a piece of land, later the Boy Scouts of Michigan or the Girl Scouts, when they want to have some place where they can go will say, "Well, you let them in," and there would be a good deal of justice in their plea.

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I realize that a bill of this kind is in danger through discussion of abstract principles rather than of the actual situation. If we were to consider a new national park and determine whether privileges of this kind should be given it would undoubtedly not be justified. But we have a situation here that is going to be met in one way or another. We have an area of land in this national park that has been acquired when the acquiring of that land was entirely proper, entirely legitimate, and with the added situation that it was given to this organization in the desire of a pioneer family in that State to do something for the young people. The situation has existed for a number of years, and without any of these things that are being feared having taken place.

On the contrary, I have a statement here dated January 23, yesterday, signed by Mr. Albright, Director of the National Park Service, in which he says this:

In connection with request received in the department from Hon. DON B. COLTON, chairman of the Committee on the Public Lands of the House of Representatives, for a report on H. R. 16352, "A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes," which was referred to this service for preparation of reply, careful consideration has been given to the advisability of recommending the addition of the following proviso to the bill:

"*Provided,* That structures of any kind within 300 feet of any highway built by the Federal Government shall be subject to the approval of the National Park Service as far as their location, design, and sanitation are concerned."

As far as is known in the service, the right of the Federal Government to restrict buildings and other construction projects on privately owned land within the national parks has never been definitely determined, either judicially or otherwise, and therefore the question as to whether such right exists is not entirely free from doubt. Notwithstanding the aforesaid status of this question, it is not believed that any legislative language to this effect could legally give the Federal Government any authority in this connection should it be found that the same does not already exist. In other words, it is believed here in the service that if the Federal Government has authority to restrict the use of privately owned lands within the national parks so as not to interfere with the scenic views in the parks, that such rights may be exercised by the park administration, whether or not the proposed legislative language is included in the bill and enacted into law.

I will state at this point that the senior Senator from Montana stated to the House subcommittee of the Committee on Appropriations when these matters were before it this year that in his judgment that power now exists on the part of the Federal Government, even to zoning or controlling the character of structures on private lands within the national parks, speaking particularly of the Glacier National Park, and having in view the fact that jurisdiction had been ceded by the State to the Federal Government. Then the letter goes on, and I call particular attention to this:

On the other hand, we do not anticipate any difficulties with religious organizations on the land within the national parks in this respect, as we have always found such organizations highly cooperative in the administration of these areas, and it is believed that if word is given out by you and other Members of Congress to these organizations to the effect that the National Park Service agreed to or approved this proposed legislation only on condition that these organizations would extend fullest cooperation in the use of their land in conformity with national park ideals, that this would have all the effect that would be desired.

HORACE M. ALBRIGHT, *Director.*

Here is the statement from the head of the Park Service, after having dealt for years with this situation, and the situation is not as it has been presented with regard to a large number of unsightly edifices on this land. It is possible there might be a difference of opinion as to the character of some of them, but they have erected there a rustic temple, costing about $6,000, and they have attempted, as the statement has been made to me by the superintendent of that park, to keep those places clean and in proper condition.

I can see very plainly that this situation is likely to be confused with the general situation having to do with the use of lands for strictly private purposes. There are in the national parks areas belonging to individuals, and it is proposed by the action taken by the House the other day that those lands be subject to condemnation, and that the owners be given a lifetime lease as long as they live, for the use of those lands for summer-home purposes and purposes not without the purpose of the national parks themselves. That is the proposition. The House has acted upon it. How are you going to apply that to a religious organization that owns the land just as completely as do those private owners own their land. You can not say to them, "As long as you live you can have this." You must put it in other language to give them the same treatment. This is no special treatment, this is an effort to give this church organization the same treatment that is being proposed with regard to private owners in respect to their summer homes. As long as this is used exclusively for religious purposes, as long as it is owned by this organization and so used, it will not be subject to condemnation. Just the moment that it passes to other ownership or is put to other uses, it then becomes subject to condemnation and purchase by the Government, just as would be the case when the private owner of a summer home dies. It then becomes subject to acquirement by the Government.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. The gentleman has not quite appreciated the situation. The bill to which the gentleman refers does not exempt private lands from condemnation at all until the present owners die. It provides for condemnation, but it does authorize the Park Service, when they are acquiring those lands through negotiation, not through condemnation, to give back a life lease, and that is taken into consideration in the price they pay for the lands. But we do not exempt them. The department has authority to proceed, if they desire, to condemnation.

Mr. LEAVITT. The gentleman misunderstood me. I did not say they could not condemn the land. They can buy the land under the present law if the bill is finally passed as it went through the House, and as the House conferees were instructed, and then the Government can give back this lifetime lease; but that sort of provision will not meet the situation of an organization like this, that is just as legitimately in there as any private owner. What I am trying to do is to give them the same privilege, not something different, but the same privilege we are proposing to give to private owners of land used for other purposes. I am providing that as long as they remain a religious organization and use the land exclusively for religious purposes they can retain title to it. The only difference is that with these other people they do not retain the title, but they get a permit. This would automatically do away with any uses of that area or any part of it not exclusively religious, and in a few years will work out its own solution, in my judgment, in the fact that this church organization would not be able to use some portions of this land as it may now plan as a producer of revenue, but would find it more advisable to sell to the Government. Further, the moment it was disposed of otherwise it would become subject to purchase by the Government through

condemnation or otherwise. It is not giving them any special privilege, but is giving them, as near as we can do it, the same kind of privilege we propose to individuals.

The writing in of the restrictions proposed by the gentleman from Michigan [Mr. CRAMTON] I can see no objection to. The opinion of the Park Service is that they do not really need them for the protection of the area, and I do not believe the owners of that land would object to having it in there. I do not believe they would object to being required to enter into an agreement as to the form of construction and sanitation.

Mr. MORTON D. HULL. What did the gentleman say about the use of the land for revenue-producing purposes?

Mr. LEAVITT. They might have in mind the use of some of it for those purposes, and if they did it would not be different from the use of some other lands in the parks where the owners lease for summer homes. In my interpretation of the bill it is that they would have to use the land for religious purposes exclusively in order not to have it subject to condemnation.

So far as the area is concerned, I see no reason for reducing the area or limiting it. I do not think 5 acres would be enough. If the gentleman from Michigan would make it 10 acres, I do not believe that I would object under the circumstances. I have talked with my colleague [Mr. EVANS], in whose district this area is, although many of the people are in my district, and he says he thinks it would be good judgment on our part to accept an amendment at 10 acres. What we are trying to do is not to create a special privilege but to give these people the same kind of privilege that we are proposing to give to everyone else.

Mr. COLTON. Mr. Speaker, may I ask how much time remains?

The SPEAKER. The gentleman has 14 minutes remaining.

Mr. COLTON. I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I am not sure I even want five minutes but I want to direct the attention of the House to what I think the bill does, and not being an attorney maybe I am entirely in error. The people holding this land to-day have the same right to it that every man owning land under a deed has and no greater right as I understand it, and that being the case the Government, under certain conditions, can take the property by due process of law under the right of eminent domain. I want to raise the question if by special legislation you deny the Federal Government the right to take any or all of this property under the right of eminent domain, have not you given a vested right which we can not take away.

I will raise that question—and not being a constitutional lawyer or any kind of a lawyer, I can not argue, I raise another question. They are building small homes there. Who is building, private individuals or the church organization? If the church organization is building them they perhaps and are undoubtedly charging a reasonable rental. Now, if they can get away with building cottages and operating a summer resort for 10 days or 2 weeks, or whatever it is, I submit to you if they discover oil on it they can sink an oil well and have a derrick every 100 yards without violating the provisions of this law. They can do more than that, they can open up any kind of a mine if they have a vested right to the land by special legislation. I do not believe this Congress wants that done in any of our national parks. I do not believe Congress wants to deny these people the right of having a summer conclave or of any kind they want, but it strikes me as a layman you are running dangerously near legal difficulties, and if in the future we should want it for any purpose, and I can conceive it might be an absolute necessity almost to condemn the right of way for a railroad or a highway through this property with this legislation. I raise that question and direct it to the attorneys of the House. Could you go through?

Mr. EVANS of California. Will the gentleman yield?

Mr. BEGG. I yield, but will the gentleman be brief?

Mr. EVANS of California. Does the gentleman believe this Congress could waive the right of eminent domain, which is a constitutional right?

Mr. BEGG. I simply can not discuss that, but I have my own opinion; but it is not legal and it is probably a waste of time to give it to the House. Personally I do not think we can.

Mr. STEVENSON. Will the gentleman yield?

Mr. BEGG. I will.

Mr. STEVENSON. Certainly, if Congress can waive a right, it can repeal the waiver.

Mr. BEGG. Of course, you can repeal this law——

Mr. STEVENSON. Of course, we would not be in a position where we could not rescind the waiver.

Mr. BEGG. And Congress can undo anything without question under certain procedure, but you can not take away a vested right without compensating the person owning same. Hence the danger of this legislation.

Mr. LEAVITT. Will the gentleman yield?

Mr. BEGG. I will.

Mr. LEAVITT. It would give added protection to this organization in the use of this land for simply religious purposes without further action of Congress, and they should not arbitrarily be deprived of this area.

Mr. BEGG. They can not arbitrarily be deprived of it now.

Mr. LEAVITT. Yes; they can.

Mr. BEGG. No; not without due process of law and condemnation and compensation. Now, if we pass this bill, as I say, I think we are creating a vested right, but at the same time we are not depriving them of the right to sell this whole proposition to a private individual.

Mr. COLE of Iowa. Oh, yes.

Mr. BEGG. No; you are not. You are not putting any kind of curb on it.

Mr. LEAVITT. They could sell it just as they can now, the same as other private owner. But when they sold it, it would immediately come out from under the protection of the Government.

Mr. BEGG. Yes; I grant all that. There is no reason why this church organization, if they wanted to do it, can not under the guise of a church organization go and establish a college.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Speaker, can I have half a minute more?

Mr. COLTON. I yield to the gentleman half a minute.

Mr. BEGG. And if they were to establish that college, all they would need to do to bring it under the protection of this bill would be to say it is a religious college, and thereby you would have granted them privileges over other institutions in the United States. I think it should be drafted in clearer language or else not passed.

Mr. CONNALLY of Texas. Does not the gentleman think it ought to be recommitted?

Mr. BEGG. Yes. I think it ought to be rewritten.

Mr. CRAMTON. Mr. Speaker, I desire to offer an amendment as a substitute to the bill.

Mr. COLTON. Mr. Speaker, let me say, before the gentleman offers his motion, that I think the fears of the gentleman from Ohio [Mr. BEGG] are groundless. The passage of this bill will not enlarge the rights already owned by the church. It will not change the right one way or the other. It simply provides that so long as the land is used exclusively for church purposes the right of eminent domain shall not be exercised against this property.

Mr. BEGG. It enlarges their right by the gentleman's own admission.

Mr. COLTON. It is a question whether the right of eminent domain can now be exercised in national parks. This simply provides that if it is invoked—and we shall probably authorize its exercise in another act now pending before Congress—it shall not lie against this particular land. I can think of no other way to put this church on an equality with private individuals who will probably secure lifetime leases if their land is condemned.

Mr. CRAIL. If this bill becomes a law, who is to decide, or how is it to be decided, whether the use to which the land is being put is a religious use?

Mr. COLTON. If there was any question or dispute about it I suppose it would be judicially determined. I do not anticipate that action of that kind would be required. Now I yield to the gentleman from Michigan.

Mr. CRAMTON. I have no desire to debate beyond one minute, but I would like to offer a substitute.

The SPEAKER. Does the gentleman from Utah yield to the the gentleman from Michigan for the purpose of offering an amendment?

Mr. COLTON. I yield to him one minute for that purpose.

The SPEAKER. The parliamentary situation is that otherwise the gentleman from Michigan could occupy an hour.

Mr. CRAMTON. I have no desire to do that. I accepted the suggestion of 10 acres instead of 5. It cuts down the acreage from 74 to 10. It limits the application of the law to the Glacier National Park instead of all national parks, and it gives the Park Service the authority to regulate the character of the use of the land.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Strike out all after the enacting clause and insert: "That the right of the Government to acquire

through condemnation shall not apply to any land up to 10 acres within the Glacier National Park now owned by any religious organization while used for religious purposes: *Provided*, That before such lands shall be exempt from condemnation under the aforesaid provision said organizations shall file with the Secretary of the Interior a statement in writing certifying that particular land, not exceeding 10 acres, is needed and used and shall be used exclusively for religious purposes, and agreeing to secure prior approval of the said Secretary of the Interior of all structures of any kind whatsoever hereafter proposed to be placed thereon as far as their location, design, and sanitation are concerned, and should such use of the land be discontinued or the said agreement be withdrawn or violated, then the provisions of this act shall no longer apply."

Mr. COLTON. Mr. Speaker, I yield one minute to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I wish merely to say this: I am sure that the language proposed by the gentleman from Michigan [Mr. CRAMTON] puts around it every restriction that the Government could expect; more than has been asked for by the Park Service itself. I am willing to accept it as meeting the situation.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I do not wish to occupy five minutes. But I am opposed to the amended proposition of the gentleman from Michigan [Mr. CRAMTON] that this area shall be 10 acres instead of 5. That change from 10 to 5 does not, in my judgment, at all tend to reconcile this bill with the great principle upon which this Government is based—the absolute separation, under all circumstances, of church and state. We should not exempt property from condemnation proceedings upon religious grounds.

The gentleman from California [Mr. CRAIL] propounded a very pertinent question. He wanted to know who is to define the expression "religious purposes." I know some people who say that the Methodists in their religious tenets do not practice religion. [Laughter.]

These people may be very benighted, and I think some of them are. Nevertheless this is a Government of Catholics, Protestants, infidels, and Jews. All of these classes pay taxes, and we have no right to exempt from condemnation for public use the property of any one of them because of its particular religious faith. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. LEAVITT) there were—ayes 39, noes 37.

So the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LEAVITT) there were—ayes 30, noes 55.

Mr. LEAVITT. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 202, not voting 155, as follows:

[Roll No. 16]

YEAS—71

Adkins	Fitzgerald, Roy G.	Letts	Smith
Allgood	Gasque	Linthicum	Strong, Kans.
Almon	Hall, N. Dak.	Lowrey	Summers, Wash.
Arentz	Hill, Wash.	McKeown	Swing
Bowman	Hogg	McSwain	Tarver
Burtness	Hooper	McSweeney	Tatgenhorst
Butler	Hudspeth	Michener	Taylor, Tenn.
Cannon	Hull, Wm. E.	Miller	Thurston
Clancy	Irwin	Moore, Ohio	Tilson
Clarke	Johnson, Okla.	Morgan	Updike
Cochran, Pa.	Johnson, S. Dak.	Morin	Vestal
Colton	Jones	Purnell	Vincent, Iowa
Culkin	Kading	Quin	Whitehead
Douglas, Ariz.	Kearns	Reed, N. Y.	Williamson
Dowell	Ketcham	Rowbottom	Winter
Englebright	Kopp	Sandlin	Wright
Evans, Mont.	Lankford	Schafer	Yon
Fisher	Leavitt	Simmons	

NAYS—202

Allen	Black, Tex.	Briggs	Carter
Arnold	Bland	Brigham	Cartwright
Bachmann	Blanton	Browne	Casey
Barbour	Bohn	Browning	Chapman
Beers	Bowles	Bulwinkle	Chase
Begg	Box	Campbell	Chindblom
Bell	Brand, Ga.	Canfield	Clague
Black, N. Y.	Brand, Ohio	Carss	Cochran, Mo.
Cohen	Garrett, Tex.	Larsen	Schneider
Cole, Iowa	Gibson	Lea	Sears, Fla.
Collier	Gifford	Leech	Sears, Nebr.
Combs	Gilbert	Lehlbach	Seger
Connally, Tex.	Glynn	Luce	Selvig
Connery	Goldsborough	McDuffie	Sinclair
Cooper, Wis.	Goodwin	McFadden	Snell
Corning	Gregory	McMillan	Speaks
Cox	Green	McReynolds	Sproul, Ill.
Crail	Griffin	Magrady	Sproul, Kans.
Cramton	Guyer	Major, Ill.	Steagall
Crisp	Hale	Major, Mo.	Steele
Dallinger	Hall, Ill.	Mapes	Stevenson
Davis	Hall, Ind.	Martin, La.	Strong, Pa.
Deal	Hancock	Martin, Mass.	Sumners, Tex.
DeRouen	Hardy	Menges	Swank
Dickinson, Iowa	Hare	Monast	Taylor, Colo.
Dickinson, Mo.	Harrison	Moorman	Thatcher
Dickstein	Hastings	Morehead	Tinkham
Dominick	Haugen	Morrow	Tucker
Doughton	Hersey	Nelson, Me.	Underhill
Douglass, Mass.	Hickey	Nelson, Mo.	Vincent, Mich.
Drane	Holaday	Niedringhaus	Vinson, Ga.
Drewry	Hope	Norton, Nebr.	Wainwright
Driver	Houston, Del.	Norton, N. J.	Warren
Dyer	Howard, Nebr.	O'Brien	Wason
Edwards	Huddleston	O'Connell	Watres
England	Hudson	O'Connor, La.	Weaver
Eslick	Hull, Morton D.	Oldfield	Welch, Calif.
Evans, Calif.	Jeffers	Oliver, Ala.	Weller
Fenn	Jenkins	Parks	Welsh, Pa.
Fitzgerald, W. T.	Johnson, Ind.	Patterson	White, Colo.
Fletcher	Johnson, Tex.	Peavey	White, Me.
Fort	Kahn	Porter	Whittington
Frear	Kemp	Prall	Wigglesworth
Free	Kendall	Ragon	Williams, Ill.
Fulbright	Kerr	Rankin	Williams, Mo.
Fulmer	Kincheloe	Ransley	Williams, Tex.
Furlow	Korell	Reece	Wilson, La.
Gambrill	Kurtz	Romjue	Wolfenden
Garber	Kvale	Rutherford	Woodrum
Gardner, Ind.	LaGuardia	Sanders, N. Y.	
Garrett, Tenn.	Langley	Sanders, Tex.	

NOT VOTING—155

Abernethy	Darrow	Knutson	Rayburn
Ackerman	Davenport	Kunz	Reed, Ark.
Aldrich	Davey	Lampert	Reid, Ill.
Andresen	Dempsey	Lanham	Robinson, Iowa
Andrew	Denison	Leatherwood	Robsion, Ky.
Anthony	Doutrich	Lindsay	Rogers
Aswell	Doyle	Lozier	Sabath
Auf der Heide	Eaton	Lyon	Shallenberger
Ayres	Elliott	McClintic	Shreve
Bacharach	Estep	McCormack	Sirovich
Bacon	Fish	McLaughlin	Somers, N. Y.
Bankhead	Fitzpatrick	McLeod	Spearing
Beck, Pa.	Foss	Maas	Stalker
Beck, Wis.	Freeman	Manlove	Stedman
Beedy	French	Mansfield	Stobbs
Berger	Garner, Tex.	Mead	Strother
Bloom	Golder	Merritt	Sullivan
Boies	Graham	Michaelson	Swick
Boylan	Greenwood	Milligan	Taber
Britten	Griest	Montague	Temple
Buchanan	Hadley	Mooney	Thompson
Buckbee	Hammer	Moore, Ky.	Tillman
Burdick	Hawley	Moore, N. J.	Timberlake
Busby	Hill, Ala.	Moore, Va.	Treadway
Bushong	Hoch	Murphy	Underwood
Byrns	Hoffman	Nelson, Wis.	Vinson, Ky.
Carew	Howard, Okla.	Newton	Ware
Carley	Hughes	O'Connor, N. Y.	Watson
Celler	Hull, Tenn.	Oliver, N. Y.	White, Kans.
Chalmers	Igoe	Palmer	Wilson, Miss.
Christopherson	Jacobstein	Palmisano	Wingo
Cole, Md.	James	Parker	Wolverton
Collins	Johnson, Ill.	Peery	Wood
Connolly, Pa.	Johnson, Wash.	Perkins	Woodruff
Cooper, Ohio	Kelly	Pou	Wurzbach
Crosser	Kent	Pratt	Wyant
Crowther	Kiess	Quayle	Yates
Cullen	Kindred	Rainey	Zihlman
Curry	King	Ramseyer	

So the passage of the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Hawley with Mr. Garner of Texas.
Mr. Wurzbach with Mr. Pou.
Mr. Buckbee with Mr. Kindred.
Mr. Pratt with Mr. Abernethy.
Mr. Wolverton with Mr. Lindsay.
Mr. Wood with Mr. Spearing.
Mr. Treadway with Mr. Rainey.
Mr. Griest with Mr. McClintic.
Mr. Eaton with Mr. Hull of Tennessee.
Mr. Ackerman with Mr. Lozier.
Mr. Johnson of Illinois with Mr. Bloom.
Mr. Graham with Mr. Carew.
Mr. Leatherwood with Mr. Mead.
Mr. Manlove with Mr. Moore of Kentucky.
Mr. Ramseyer with Mr. Peery.
Mr. Murphy with Mr. Hill of Alabama.
Mr. Zihlman with Mr. Aswell.
Mr. Thompson with Mr. Lanham.
Mr. Watson with Mr. Boylan.
Mr. Perkins with Mr. Montague.
Mr. Newton with Mr. Davey.
Mr. Parker with Mr. Cullen.
Mr. Temple with Mr. Greenwood.
Mr. Timberlake with Mr. Rayburn.
Mr. Robsion of Kentucky with Mr. Howard of Oklahoma.
Mr. Reid of Illinois with Mr. Igoe.

Mrs. Rogers with Mr. Shallenberger.
Mr. Shreve with Mr. Reed of Arkansas.
Mr. French with Mr. Ayres.
Mr. Hughes with Mr. Kunz.
Mr. Kelly with Mr. Moore of Virginia.
Mr. McLeod with Mr. Jacobstein.
Mr. Beedy with Mr. Collins.
Mr. Golder with Mr. Moore of New Jersey.
Mr. Christopherson with Mr. Fitzpatrick.
Mr. Denison with Mr. Auf der Heide.
Mr. Cooper of Ohio with Mr. Mansfield.
Mr. Davenport with Mr. Celler.
Mr. Elliott with Mr. O'Conner of New York.
Mr. Connolly of Pennsylvania with Mr. Hammer.
Mr. Dempsey with Mr. Quayle.
Mr. King with Mr. Cole of Maryland.
Mr. Michaelson with Mr. Underwood.
Mr. Bacharach with Mr. Sirovich.
Mr. Hoffman with Mr. Byrns.
Mr. Wyant with Mr. Vinson of Kentucky.
Mr. Yates with Mr. Crosser.
Mr. Woodruff with Mr. Wingo.
Mr. Britten with Mr. Kent.
Mr. Aldrich with Mr. Wilson of Mississippi.
Mr. Bacon with Mr. Palmisano.
Mr. Andrew with Mr. Sullivan.
Mr. Darrow with Mr. Buchanan.
Mr. Andresen with Mr. Lyon.
Mr. Beck of Pennsylvania with Mr. Tillman.
Mr. Hadley with Mr. Bankhead.
Mr. Crowther with Mr. Ware.
Mr. Curry with Mr. Somers of New York.
Mr. Kiess with Mr. Milligan.
Mr. McLaughlin with Mr. Doyle.
Mr. Lampert with Mr. Stedman.
Mr. Knutson with Mr. Busby.
Mr. Johnson of Washington with Mr. Carley.
Mr. Burdick with Mr. McCormack.
Mr. Chalmers with Mr. Sabath.
Mr. James with Mr. Oliver of New York.
Mr. Merritt with Mr. Berger.

Mr. CONNERY. Mr. Speaker, my colleague the gentleman from Massachusetts, Mr. McCORMACK, is unable to be present. He asked me to state that if he were here he would vote "no."

The result of the vote was announced as above recorded.

STOCK-RAISING HOMESTEADS

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to call up the bill (S. 3949) to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.), a public lands bill, that has been reported.

The Clerk read the title of the bill.

Mr. TILSON. Mr. Speaker, I understand this bill is from the Senate, but that a similar bill has been reported out by the Public Lands Committee; is that correct?

Mr. ARENTZ. This has been fully considered by the Public Lands Committee and reported favorably.

The SPEAKER. The Chair understands that the report was not filed in sufficient time to make it in order to-day except by unanimous consent.

Mr. COLTON. That is correct.

Mr. SCHAFER. Reserving the right to object, was the vote of the Public Lands Committee unanimous?

Mr. COLTON. It was.

The SPEAKER. Is there objection to the request of the gentleman from Nevada [Mr. ARENTZ]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following be added as an additional proviso to section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.):

"*Provided further*, That the withdrawal from entry of lands necessary to insure access by the public to watering places reserved hereunder shall not apply to deposits of coal and other minerals in the lands so withdrawn, and that the provisions of section 9 of this act are hereby made applicable to said deposits in lands embraced in such withdrawals heretofore or hereafter made, but any mineral location or entry made hereunder shall be in accordance with such rules, regulations, and restrictions as may be prescribed by the Secretary of the Interior."

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for leave of absence for my colleague the gentleman from Kentucky [Mr. VINSON], on account of the illiness of his wife.

The SPEAKER. Without objection, granted.

There was no objection.

ARTICLE BY CLAYTON F. MOORE

Mr. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff question.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SMITH. Mr. Speaker, under permission granted to extend my remarks in the RECORD I submit the following article which appeared in the January issue of the Tariff Review. The author, Mr. Clayton F. Moore, is a recognized authority on the tariff, and in view of his long occupancy of the position of clerk to the Ways and Means Committee, House of Representatives, has had a wide experience in the framing of tariff legislation which is probably not exceeded by any other person.

His romantic story of how a tariff law is framed is filled with the most interesting and valuable information which should be preserved in the CONGRESSIONAL RECORD, especially as this subject is now uppermost in the minds of the people and will occupy the attention of the next Congress for some time.

HOW THE TARIFF LAW IS MADE

By Clayton F. Moore, clerk to the Committee on Ways and Means, House of Representatives

Tariff making is one of the most intricate and fascinating functions of the legislative arm of the Government. The tariff is the stabilizer of the Nation's business. Without tariff differentials high enough to guarantee the United States market to the United States producer, economic independence can not prevail, nor can the average person enjoy the comforts and luxuries of full-time employment at adequate wages. Upon the prosperity of the country depends the extent to which taxes may be collected to carry out the all-important functions of government. Thus, tariff making is at the very root of the machinery of government. Prosperity, resulting from a sound tariff policy, furnishes not only necessary funds for the conduct of government but a contented people, well employed, well able to meet governmental tax requirements, and opposed to radicalism, which is always the outgrowth of discontent.

There are two types of economists in the United States—the theoretical and the practical. The theoretical economist, living in the musty documents of history, evolves from deductions the ideal he expounds. The practical economist separates the nonessentials from the ideal and applies the theory, in the light of his knowledge of the actual facts regarding our farms, factories, and workshops, to the everyday practices of the average citizen. The one is the economy of a dreamer; the other of the man on the street; and it is with this practical phase of our modern economics this article will deal.

"How does Congress make a tariff bill?" "What shall I do and how shall I tell my story to the Congress?" These and similar questions come across my desk daily, and I shall endeavor to tell, in this article, how these things are done.

When our far-seeing forefathers wrote the Constitution they adopted the theory that taxes should be with the consent of the governed. In other words, they declared as a basic principle that the people themselves shall tax themselves, and therefore provided that all bills raising revenue should originate in the House of Representatives, since Members of the House, being elected every two years, are the direct representatives of the people. The Senate, originally designed as the representative of the State governments, whose Members are elected for terms up to six years, was given the right to amend but not to originate.

The House of Representatives, however, is a large body of men, each with a multitude of duties to perform, and it is mentally and physically impossible for each Member to know everything about every subject coming before Congress. Congress, therefore, created committees, each committee to specialize in the work assigned to it and report back to the House of Representatives its best judgment as to what should be done.

The Ways and Means Committee is the oldest of these standing committees. It was created in 1789 for the purpose of "ascertaining the ways and providing the means" by which the revenue could be raised so that the Government could function. The first tariff bill was under consideration and pending in Congress before George Washington was inaugurated President. Even in those days the protective-tariff question was a leading issue, for we find in the Annals of Congress for April 11, 1789, that Congressman Smith, of Maryland, presented a petition from the "tradesmen, manufacturers, and others, of the town of Baltimore," asking Congress to impose "on all foreign articles which can be made in America such duties as will give a just and decided preference" to American manufacturers and workers.

From the very first a tariff bill differs from other bills in the way it is introduced in Congress. The ordinary bill is introduced by a Member and referred to a committee, which reports it back to the Congress with certain recommendations. A tariff bill, on the other hand, is a bill of national policy, involving thousands of articles of commerce with which no one man can be familiar. It is, therefore, prepared by all of the members of the Committee on Ways and Means and introduced by the chairman. Under the rules of the House, it is privileged legislation and has the right of way over all other bills in that branch of Congress.

Modern tariff making is as different from the tariff making of the colonial times as day is from night. Prior to 1922 the machinery for gathering the information necessary to tariff revision was inadequate and widely spread out among the various Government agencies. Facts assembled by one agency often conflicted with the same facts gathered by another. Little cooperation was given these agencies by the busy manufacturers or the toiling farmer. Trade associations were not properly organized and paid little attention to fact gathering. There was no central Government agency through which the facts could clear. Statements that came from the manufacturers and importers themselves were based upon individual, rather than group, experience. Often the facts presented were so conflicting that the question of a fair rate of duty was largely a matter of compromise or guesswork.

To-day a new order prevails, and by a coordinated system of fact gathering through various Governmental bureaus and the Tariff Commission—agencies in which the public, after years of education, has confidence—Congress will have before it the most complete data that was ever assembled for the making of any tariff law.

The Committee on Ways and Means is composed of 25 members—15 Republicans and 10 Democrats. At this writing there is a vacancy in the Republican ranks due to the death of Hon. Charles L. Faust, of Missouri, a few weeks ago. These men are the practical economists of Congress.

The actual work of preparing the bill will be in the hands of the 15 Republican members of the Committee on Ways and Means. Of these, 6 participated as members of the committee in drafting the tariff act of 1922; 5 of the others were Members of Congress at that time and aided the passage of that act through the House, while the remaining 3 members, 1 of whom is the son of the coauthor of a famous tariff law, are receiving their first baptism in the fire of tariff making.

Contrary to the belief that has been held in some quarters, these men have made a continuous study of the tariff question since coming to Congress, and most of them were thoroughly schooled in the fundamentals before then. Many of them spend their spare time in mills and workshops and on the farms, becoming familiar with the practical machinery of industry and agriculture. Most of them have visited the customhouses of our great ports and have familiarized themselves with the actual operation of a tariff law. They were picked for the committee because of their ability to examine the facts in a national light, rather than from the standpoint of their individual districts.

The platform of the Republican Party pledged an examination and, where necessary, a revision of the tariff act of 1922. These 15 partisans will attempt to carry out that pledge with the least possible delay. Since the policy of tariff making has been placed in their hands by Congress, they must define the policy and keep the faith. They will weigh the facts impartially and arrive at a solution which will meet the wishes of the great majority.

The first step, therefore, was to decide upon general hearings. The known conditions in industry, mining, and farming, and the platform pledge warranted that step. Accordingly, the committee notified the public at large that hearings would be held, beginning on a certain date, and that those interested in articles now subject to duty or upon the free list could come to Washington on specified dates and present their problem to the committee. These hearings are public and no one who has information to present is barred from submitting his case orally or in the form of a brief.

For five hours and more daily these members will sit, along with their 10 Democratic colleagues, and listen to what the public at large has to say about tariff revision. In a tentative form a record of these proceedings will be printed daily, and those who can not attend but who may have an interest may ascertain what is being said by a simple request for a copy of those hearings.

Upon what is developed during the course of the hearings will depend largely whether an extra session of Congress is to be called, and if the precedents of the past govern and certain facts develop, as it is now believed they will, there is no question, in the writer's mind at least, about an extra session.

"How may I obtain a hearing?" asks the uninitiated. "Should I write my Congressman, hire a lawyer, or what?" The way to obtain a hearing is to ask for it. A 2-cent postage stamp or the personal effort required to walk into room 321, House Office Building, Washington, D. C., and ask for it is all that is necessary.

You do not have to hire anybody or seek any political influence to obtain a hearing, provided the request is made at the time the schedule of the tariff act in which your item appears is under consideration. Do not bother your Congressman. He is a busy man, and he can not master the details of every factory or farm in his district. When you have had your hearing or presented your case by filing a brief, then tell your Congressman what you have done and leave the matter in his hands. His service for you begins when the hearings are over.

When the hearings have been concluded, subcommittees of the majority members of the Committee on Ways and Means will begin the intricate work of preparing the legislation. This is the second step. Shortly after Congress adjourns on March 4 these 15 Members will sit down around the conference table and dissect the facts that have been presented. This will be done in executive session. Personal comfort and convenience will be thrown aside, and these men will labor long and patiently over the mass of statistics and other important data that has been presented.

In addition to its own staff, the committee will call in experts from the Tariff Commission to straighten out discrepancies as to the volume of imports, costs of production, transportation and distribution difficulties, and such other factors as enter into the problem presented by the testimony. Upon the result of this examination they will determine the rates of duty to be applied.

In the past the allegation has frequently been made that the large contributors to political campaigns have had the greatest influence in tariff making. It has been alleged that the representatives of these groups, or of great combinations of industry, make their own rates. Such statements are far from the truth. The attitude of the present Members of Congress is "I'm from Missouri; show me." That, in a nutshell, is the answer. The modern tariff bill is based upon facts. If great industries fail to furnish the facts or endeavor to cover up the truth, they have no chance with the Ways and Means Committee. They can not enter the tariff bill by a back door. In fact, great corporations which are seeking tariff changes must be prepared to expect the closest scrutiny of their industries, and their requests must be based absolutely upon facts which may be substantiated by the various investigating organizations of the United States Government.

The subcommittees may, and occasionally do, call into executive session the representatives of contending factions, in an effort to compromise differences or obtain the truth. Such individuals, however, are infrequently called, and then only at the invitation of the subcommittee and not on their own request.

The small corporation and the individual farmer are on an equal footing with the greatest industries and their problems will receive the same careful consideration. In other words, financial standing is wiped out, and each class stands before the committee on an absolutely equal footing.

"What will happen if I am satisfied with the existing law, fail to make a statement to the committee, and some one else proposes a change? Is my case closed?" The answer is "No." If you will assemble the facts and forward them to the committee before the bill is drafted, they will receive due consideration. Certain facts are often developed after the hearing. No one is barred from presenting them in the form of a communication to the committee.

We often hear this expression, "I'm too busy to look into this matter now. I'll wait for the later hearings before the subcommittee." This is a mistaken idea evidently emanating from bad advice given by a Washington lobbyist. There will be no later hearings and no hearings before these subcommittees. Tariff revision comes once in several years. Unless there are gross discrepancies in the law which requires immediate attention, the policy has always been not to disturb the business of the country by piecemeal legislation.

Whenever the platform of a great political party makes a promise on the tariff question it is generally the first promise to be kept, if that party is victorious in the election. That is a matter of history. And when both political platforms made definite promises last June and July it was notice to the country to be prepared. The committee notice that was given to the country at large on December 5 was, therefore, a foregone conclusion, and that notice was given one month in advance of the hearings. If the Congress is to act promptly, there must be a limit upon the hearings; otherwise the hearings would never be closed and the time wasted would result in great financial loss and much inconvenience both to the individual and to Congress.

When the subcommittees have concluded their labors they will report back to the full majority membership of the Ways and Means Committee. Line by line and paragraph by paragraph the work of these subcommittees will be examined, amended, or approved. This done, the chairman will be authorized to introduce a bill. When introduced it will be referred back to the committee. A meeting of all the members of the committee will then be held and, by a strictly party vote, the bill will be ordered reported to the House.

When the bill is introduced the rates become public. It is at this time that the dissatisfaction arises among the interested parties. "I am not taken care of in the bill," wires a manufacturer. "What shall I do?" The answer is, "Take it up with your own Congressman."

It was, as has already been pointed out, unnecessary to bother your Congressman in the matter of a hearing before the Ways and Means Committee, but should you now be dissatisfied you have a legitimate right to request your Congressman to defend your position on the floor of the House of Representatives. If your position is fair and what you ask is just, it is possible that your Congressman can straighten the matter out by an amendment to the bill at the proper time, but if the committee had considered your case and discarded your request because the facts presented did not warrant it, it is unlikely that your Congressman can succeed in having the amendment adopted.

The rules of procedure of the House of Representatives provide a simple method for handling legislation of this or any other character. A revenue bill, having the right of way, may be called up by the chairman of the committee at any time after it is favorably reported. Usually when this is done there is a period of general debate, when all phases of

the bill are discussed. If the debate becomes acrimonious, prolonged, and dilatory the House leaders generally bring in a rule to limit it. At the conclusion of this general debate the bill is read under the 5-minute rule for amendment. At this time amendments are offered and their sponsors are permitted five minutes in which to state their reasons for the amendment. Replies are made in the same manner. This is what is called the consideration of the bill in the Committee of the Whole House on the state of the Union.

After such consideration is concluded the Committee of the Whole House rises and reports the bill back to the House, with or without amendments. The House then approves the amendments en bloc, or votes on them separately, and if a motion to recommit the bill to the committee with certain instructions—which is usually made by the minority party—fails, then the bill is voted on and passed.

"But," a dissatisfied applicant for tariff consideration may say, "my rate is still out of the bill. What can I do about it?" The answer is, "Go to the Senate." After the bill passes the House it is received in the Senate as a message from the House and referred to the Committee on Finance. The Committee on Finance will then hold hearings on the House bill. Those who are dissatisfied with certain phases of the bill may then appear. After those hearings have been concluded, the Finance Committee will go into executive session and consider the evidence that has been presented.

In the event that the evidence justifies the contention made, the committee will amend the paragraph. When the Finance Committee has completed its consideration of the bill it is then reported to the Senate.

Some interested person may now discover that the tariff bill affects him and that there is nothing in the bill which will give him relief; he still has a chance. He can go to his Senator, who, if the facts justify, may offer an amendment on the Senate floor. If the amendment is accepted, it becomes a part of the bill, which in due course passes the Senate.

This brings us to the final stage of the legislation. What happens next?

When the bill passes the Senate certain rates are different from those that were in the House bill. New rates and new language appear. What is to be done about it? The House and the Senate each appoint conferees, who, sitting together, constitute a committee of conference. That conference committee consists of the five ranking members, three Republican and two Democratic, of the Committee on Ways and Means of the House and a like number of members of the Committee on Finance of the Senate. Those 10 men will iron out the differences between the two Houses of Congress. They can not rewrite the bill, nor change any rate or language which both Houses approved. They are limited to the differences between the two bodies, and in settling those differences they may adopt one of three positions. They may agree to accept the House rate in the bill, in which case the Senate would yield its amendment. They may agree to accept the Senate rate, in which case the House would yield; and, lastly, they may compromise by fixing a rate between the two.

Once these labors are completed and the differences ironed out, each group of conferees presents a report to their House and defends the understanding of the whole conference committee. That branch of Congress which accepted the conference acts upon the legislation first. When this is done the other branch of Congress acts; and if the meeting of the minds of both Houses is complete, the bill then goes to the President for signature; and when signed by the President the tariff bill becomes the tariff law.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate:

The Clerk read as follows:

Ordered, That the House of Representatives be respectfully requested to return to the Senate the following bills, to wit:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

Mr. TAYLOR of Colorado. Mr. Speaker, as the author of two of the bills referred to, I may say that I have no objection to the bills being returned to the Senate.

Mr. SNELL. Mr. Speaker, as I understand, these are bills that were messaged over to-day?

The SPEAKER. They are bills that came over this morning. The question is on complying with the request of the Senate.

The request was complied with.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. LANHAM, for the balance of the week, on account of illness.

Mr. TAYLOR of Tennessee, for one week, on account of personal business.

Mr. LOZIER, indefinitely, on account of death in family.

CAPT. GEORGE FRIED

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for permission to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. The leading news item of the day portraying an outstanding achievement of American men of the seas fills every heart with pride.

Few of us appreciate the perils of the deep when waves are lashed into fury by winds and storms. We can not visualize the full meaning of a call of distress across hundreds of miles of almost impassable storm-tossed waters. Then stout hearts, clear heads, and calm judgments are necessary for effective action.

It is a matter of deepest gratification that these have been found in rare coordination in an American officer and American seamen of the United States Lines sailing under the flag of our country. [Applause.]

All hail to Capt. George Fried, of the *America*, a great navigator, a brave man, an outstanding hero of the seas and of his country, and above all a fine gentleman! All hail to his brave crew, to whose lot comes glory only through peril! [Applause.]

The congratulations of the people of the Nation are due the officers and men, who performed wonders of seamanship in the hazardous rescue of the crew of the S. S. *Florida*.

At the proper time appropriate action should be taken by the Congress expressive of the appreciation that is in the hearts of our people for the performance of an act of great heroism. [Applause.]

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; and

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the Eleventh National Convention of the American Legion.

ADJOURNMENT

Mr. COLTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, January 25, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 25, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.

Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

765. A letter from the Acting Secretary of Commerce, transmitting additional item which it is requested be incorporated in House bill 16030 as section 5 thereof, "The Secretary of Commerce may detail superintendents of lighthouses and engineers in the Lighthouse Service to duty at the Bureau of Lighthouses at Washington without change of status"; to the Committee on Interstate and Foreign Commerce.

766. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1929 required to meet the adjustments in compensation of the officers and employees within the District of Columbia and in the field services under the act approved May 28, 1928 (45 Stat. 776–785), amounting in all to $17,364,196 (H. Doc. No. 524); to the Committee on Appropriations and ordered to be printed.

767. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 pertaining to the Customs Service, $900,000 (H. Doc. No. 525); to the Committee on Appropriations and ordered to be printed.

768. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Labor for the fiscal year ending June 30, 1929, pertaining to the Bureau of Immigration, $121,990 (H. Doc. No. 526); to the Committee on Appropriations and ordered to be printed.

769. A letter from the Acting Secretary of Commerce, transmitting draft of a bill to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes; to the Committee on Public Buildings and Grounds.

770. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1930, for the Navy Department, amounting to $1,344,200 (H. Doc. No. 527); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ARENTZ: Committee on the Public Lands. S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.); without amendment (Rept. No. 2212). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALE: Committee on Naval Affairs. H. R. 7930. A bill to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve"; without amendment (Rept. No. 2213). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 15011. A bill authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.; with amendment (Rept. No. 2214). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 15012. A bill authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.; with amendment (Rept. No. 2215). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 15525. A bill authorizing Thomas E. Brooks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Garniers Bayou at or near the point where State Road No. 10 crosses the said Garniers Bayou, in the State of Florida; with amendment (Rept. No. 2216). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 15570. A bill authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; with amendment (Rept. No. 2217). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 15715. A bill authorizing the construction of a high level bridge across the Maumee River at or near its mouth; with amendment (Rept. No. 2218). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 15849. A bill authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.; with amendment (Rept. No. 2219). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16205. A bill authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.; with amendment (Rept. No. 2220). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16206. A bill granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River; with amendment (Rept. No. 2221). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 16345. A bill authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Morristown, N. Y.; with amendment (Rept. No. 2222). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry to White County, Ill.," approved May 1, 1928; without amendment (Rept. No. 2223). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; with amendment (Rept. No. 2224). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARDNER of Indiana: A bill (H. R. 16565) authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: A bill (H. R. 16566) to validate devises, bequests, and gifts from alien enemies to American citizens; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 16567) to provide for the deportation of certain aliens, and for the punishment of the unlawful entry of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT (by departmental request): A bill (H. R. 16568) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; to the Committee on Indian Affairs.

By Mr. SCHNEIDER: A bill (H. R. 16569) authorizing a per capita payment of $100 each to the members of the Menominee Tribe of Indians of Wisconsin, from funds on deposit to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. VESTAL: A bill (H. R. 16570) to provide for the regulation of ownership of inventions devised by Government employees and the control and administration of Government-owned patents, and for other purposes; to the Committee on Patents.

By Mr. BLACK of New York: A bill (H. R. 16571) to express the appreciation of Congress to the officers and crew of the steamship *America;* to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16572) granting an increase of pension to Mary Phelps; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16573) granting an increase of pension to Bell Butters; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 16574) for the relief of Miguel Pascual; to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 16575) granting a pension to Cordelia Hunsaker; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 16576) for the relief of Franklin L. Hamm; to the Committee on Claims.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 16577) authorizing the Secretary of War to award a congressional medal of honor to Lieut. Col. Frederic E. Windsor and to place his name on the Army and Navy medal of honor roll; to the Committee on Military Affairs.

By Mr. CULKIN: A bill (H. R. 16578) granting an increase of pension to Mary A. Hall; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16579) granting an increase of pension to Mary W. Ryan; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 16580) granting a pension to Sophia Hamlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16581) granting a pension to Florence Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16582) granting an increase of pension to Effie E. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16583) granting an increase of pension to Nannie A. Gooch; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 16584) for the relief of Granville W. Hickey; to the Committee on Military Affairs.

By Mr. GAMBRILL: A bill (H. R. 16585) for the relief of Benjamin C. Lewis and Bessie Lewis; to the Committee on Claims.

By Mr. GOODWIN: A bill (H. R. 16586) granting an increase of pension to Harriet Wilkins Dibble; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 16587) for the relief of Peter R. Wadsworth; to the Committee on Claims.

By Mr. WILLIAM E. HULL: A bill (H. R. 16588) granting a pension to Isabelle Holland; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 16589) granting an increase of pension to Catherine A. Ryan; to the Committee on Pensions.

By Mr. McLEOD: A bill (H. R. 16590) providing for the examination and survey of the old channel of the River Rouge; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16591) granting a pension to Clara B. Koch; to the Committee on Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 16592) granting a pension to Mary F. Brown; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16593) granting a pension to George A. Forsyth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16594) granting a pension to Katy Douse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16595) granting an increase of pension to Hannah Piper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16596) granting an increase of pension to Callie R. Graf; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 16597) granting an increase of pension to Harriet A. Fairman; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 16598) granting an increase of pension to Cora L. Dickerson; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 16599) granting an increase of pension to Katie Currier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16600) granting an increase of pension to Edith Doty; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 16601) granting an increase of pension to Florence A. Prince; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16602) granting an increase of pension to Louisa Flack; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 299) for the payment of additional compensation to Bingham W. Mathias, clerk to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8383. Petition of board of directors of the American Society of Civil Engineers, favoring the equipment of a hydraulic laboratory in the Bureau of Standards; to the Committee on Rivers and Harbors.

8384. By Mr. CARTER: Petition of the American Legion, Department of California, urging better hospital facilities for veterans; to the Committee on World War Veterans' Legislation.

8385. Also, petition of the Buffalo section of the American Society of Civil Engineers, urging the establishment of a national hydraulic laboratory at the Bureau of Standards; to the Committee on Rivers and Harbors.

8386. Also, petition of the Philippine-American Chamber of Commerce, opposing any restriction or limitation to the free movement of products between the United States and the Philippines in either direction; to the Committee on Ways and Means.

8387. By Mr. GARBER: Petition of 1,000 Washington citizens, indorsing the proposals made by the National Committee for Law Enforcement to secure the enforcement of the dry law in Washington, D. C.; to the Committee on the District of Columbia.

8388. Also, petition of the Enid Milling Co., Enid, Okla., indorsing House bill 16346, a bill to amend the tariff act of 1922; to the Committee on Ways and Means.

8389. By Mr. GARRETT of Tennessee: Petition from the citizens of Humboldt, Tenn., asking that a bill be passed to establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, etc.; to the Committee on Irrigation and Reclamation.

8390. Also, petition from citizens of Dyersburg, Tenn., asking that a bill be passed to establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, etc.; to the Committee on Irrigation and Reclamation.

8391. By Mr. KING: Petition signed by the landowners in the South Quincy drainage and levee district, Adams County, Ill., petitioning Congress to pass House bill 14116, or one of like contents; to the Committee on Irrigation and Reclamation.

8392. By Mr. O'CONNELL: Petition of B. T. Babbitt (Inc.), New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8393. Also, petition of the National Parks Association, Washington, D. C., opposing the passage of House bill 5729; to the Committee on the Public Lands.

8394. By Mr. SABATH: Resolution adopted by the Prosperity Lodge, No. 781, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, indorsing Senate bill 1727, to amend the now existing retirement law for civil-service employees, also Senate bill 3281, providing for a 44-hour week in the Postal Service; to the Committee on the Civil Service.

8395. Also, resolution adopted by the Building Service Employees International Union, to which 6,000 members have subscribed, urging the Federal Radio Commission that a through channel, with unlimited time for broadcasting, be granted to station WCFL, the organized labor radio station; to the Committee on the Merchant Marine and Fisheries.

8396. By Mr. SINCLAIR: Petition of North Dakota Cooperative Wool Marketing Association, against a reduction in the present wool and mutton tariff or to a change in the form of its application; to the Committee on Ways and Means.